DOCUMENT RESUME

ED 199 981 EC 132 483

AUTHOR	Thouvenelle, Suzanne; And Others
TITLE	Study of Procedures for Determining the Least Restrictive Environment (LRE) Placement of Handicapped Children: Final Project Report.
INSTITUTION	Applied Management Sciences, Inc., Silver Spring, Md.
SPONS AGENCY	Bureau of Education for the Handicapped (DHEW/OE), Washington, D.C.
PUB DATE	Mar 80
CONTRACT	300-78-0427
NOTE	181p.; Print is poor in parts. For related documents, see EC 132 479-482.
EDRS PRICE	MF01/PC08 Plus Postage.
DESCRIPTORS	*Compliance (Legal); Court Litigation; Demonstration Programs; *Disabilities; Educational Policy; Elementary Secondary Education; Individualized Education Programs; Mainstreaming; Parent Role; *School Districts; *State Boards of Education; State of the Art Reviews; *Student Placement

ABSTRACT

The final document in a series on least restrictive environment (LRE) placement for handicapped students summarizes the objectives and findings of the project. Research questions, methodology, and conclusions are reviewed from each of four research activities: state education agency analysis; local education agency analysis; legal analysis; and description of noteworthy policies and procedures observed regarding identification and evaluation, placement decision making, parent/student involvement, review and reevaluation, and program and individual services. Findings from the four activities are compiled in an analysis of standard operating procedures for LRE determination, determination of placement, ancillary activities, and contextual factors and constraints. (CL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED199981

G-136

STUDY OF PROCEDURES FOR DETERMINING THE LEAST RESTRICTIVE ENVIRONMENT (LRE) PLACEMENT OF HANDICAPPED CHILDREN

FINAL PROJECT REPORT

March 1980

Authors:

Suzanne Thouvenelle
John Rader
Lois Mader

Prepared for:

DHEW/Office of Education
Bureau of Education for the Handicapped
Under Contract No. 300-78-0427

Prepared by:

APPLIED MANAGEMENT SCIENCES, INC.
962 Wayne Avenue
Suite 701
Silver Spring, Maryland 20910

EC 132483

APPLIED MANAGEMENT SCIENCES

This report was produced under contract with the Department of Health, Education, and Welfare, U.S. Office of Education. Opinions expressed by non-Departmental staff do not necessarily reflect the position or policy of the Office of Education or the Department of Health, Education, and Welfare, and no official endorsement should be inferred.

G-136

Applied Management Sciences, Inc.

PROJECT STAFF

Suzanne Thouvenelle
John Rader
Kathy Hebbeler
Margaret Brandis
Sidonie Davis
Richard Halliwell
Lois Mader

FIELD STAFF

Heather Callister
Sherry Milan
Elaine Rudick
Fern Underdue
Sharon Walsh

ACKNOWLEDGEMENTS

A study of this type with extensive and intensive field work requires the cooperation and support of many people. We would like to express our sincere appreciation to these individuals for their contributions.

First of all, we would like to extend special thanks to the administrators and staff of the fifteen school districts within which we observed placement meetings and studied local procedures. Without their openness and willingness to participate this study would not have been possible. We appreciate the efforts of the five states for facilitating our identification of school districts and communication with them.

Our consultant resource panel (Dr. David Andersen, Dr. Gregory Aloia, Mr. Larry Kotin, Dr. Sheila Lowenbraun, and Dr. Dick Weatherley) deserves special thanks for their investment of time, effort, and ongoing interest in this study. We commend them for their timely and thorough review of numerous draft documents and their input into the initial conceptualization of this study. Their participation contributed significantly to the final products of this research project.

We would like to recognize the hard work, dedication, and professionalism of our field staff who worked tirelessly to identify, observe, and follow-up the individual cases within the sample. Their insights were reflective of the sensitivity they demonstrated in their on-site data collection activities.

Finally, and most importantly a debt of special gratitude is extended to Dr. Linda Morra, our BEH Project Officer. Her guidance, support, and patience throughout the course of this study have been invaluable. Her consistent commitment, concern, and availability to us reflect positively of her dedication to the field and her professionalism.

Suzanne Thouvenelle
April 1980

TABLE OF CONTENTS

Chapter		Page
1	INTRODUCTION	1.1
2	STUDY ACTIVITIES.	2.1
3	STANDARD OPERATING PROCEDURES FOR LRE DETERMINATION . .	3.1
4	DETERMINATION OF PLACEMENT.	4.1
5	ANCILLARY ACTIVITIES.	5.1
6	CONTEXTUAL FACTORS AND CONSTRAINTS.	6.1
7	SUMMARY AND CONCLUSIONS	7.1

LIST OF EXHIBITS

Exhibit No. Page

3.1 "AN OPEN LETTER TO PARENTS" 3.6

4.1 STATE A EXAMPLE OF SEQUENCE OF MEETINGS AND DECISIONS . 4.31

4.2 STATE B EXAMPLE OF SEQUENCE OF MEETINGS AND DECISIONS . 4.32

5.1 CORE TEAM 5.5

5.2 WHEEL OF SERVICES 5.8

6.1 ARCHITECTURAL DESIGN OF ELEMENTARY SCHOOL, SHOWING INTEGRATION OF CHILDREN WITH AND WITHOUT HANDICAPS . . 6.22

LIST OF TABLES

Table No. Page

2.1 OCCURANCE OF SPECIFIC HANDICAPS SERVED BY SELECTED DISTRICT CHARACTERISTICS 2.15

2.2 PERCENT OF HANDICAPPING CONDITIONS SERVED 2.16

2.3 REASONS FOR SELECTING CASES 2.18

2.4 SAMPLED CASES COMPARED TO LOCAL EDUCATION AGENCY AND . NATIONAL DISTRIBUTIONS 2.18

2.5 GENERAL CHARACTERISTICS OF CASES 2.20

3.1 PLACEMENT TEAM PARTICIPANTS 3.9

3.2 PARENTAL CONSENT REQUIREMENTS 3.10

3.3 PARENT PARTICIPATION AT PLACEMENT MEETINGS 3.11

3.4 CRITERIA FOR TEAM PARTICIPATION 3.11

4.1 USE OF PLACEMENT OPTIONS 4.13

4.2 EVALUATION OF OPTIONS 4.18

4.3 INTERACTION WITH NONHANDICAPPED 4.21

4.4 DEFINITION OF LRE BY CRITERIA TO DETERMINE LRE. 4.25

4.5 DISCUSSION OF OPPORTUNITIES TO INTERACT WITH. . . . . . NONHANDICAPPED 4.36

4.6 DISTRIBUTION OF TOPICS DISCUSSED IN PLACEMENT . . . . . MEETINGS FOR CASES IN WHICH LRE AND MAINSTREAMING WERE MENTIONED 4.40

4.7 FACTORS DISCUSSED IN CONSIDERING OPTIONS 4.42

6.1 STATE LEVEL CONSTRAINTS 6.15

6.2 COST OF EDUCATING A HANDICAPPED CHILD BY LEVEL OF . . . GOVERNMENT (EXCESS COST AID) 6.31

6.3 COST OF EDUCATING A HANDICAPPED CHILD BY LEVEL OF . . . GOVERNMENT (TEACHER SALARY AID) 6.32

EXECUTIVE SUMMARY

STUDY PURPOSE

P.L. 94-142 provides that to the maximum extent appropriate, handicapped children are to be educated with children who are not handicapped. That is, a handicapped child must be placed in the least restrictive environment (LRE) appropriate to his or her needs. To examine how LRE was being implemented by local school districts, the Bureau of Education for the Handicapped commissioned a study of placement decision-making.

The purpose of the study was to provide a state-of-the-art description of the process by which school districts make decisions about the setting in which a handicapped child is to be educated. The law and its regulations view the placement decision as the outcome of a multidisciplinary group decision-making process. The findings presented here describe the procedures employed by States and by school districts, the factors they considered in reaching a decision including the role of LRE in the decision-making, and some of the constraints which were observed to impede placements consistent with the LRE mandate. In addition, the study identified what standards were applied by judges and hearing officers in LRE related disputes.

METHODOLOGY

The method employed to study determination of placement procedures was an ethnographic case study approach at the school district level. Trained observers used a structured observation system to collect information related to educational placement decision-making for an individual child from the determination of eligibility for special education until a final placement decision was reached.

In order to study the State policies related to LRE appropriate placement a content analysis of the 1978 Annual Program Plan from each State was conducted. This involved analyzing written descriptions of State policies as these policies described the operational and procedural aspects of placement determination required by local school districts. Annual Program Plans and related State documents and guidelines from all fifty States and the District of Columbia were reviewed and analyzed.

Decisions of hearing officers and judges were analyzed through content analysis of legal documents in order to determine what standards were applied in disagreements between parents and school districts where appropriate educational placement was an issue. Decisions were collected from nine States which were considered to be "most active" in terms of the frequency of appeals (administrative and civil) related to special education placements and services for the handicapped.

SAMPLE

The sample for the district level analysis consisted of 15 school districts located in five states. In all, 134 meetings and 96 cases were observed.

The overall purpose of the sampling strategy was to capture a broad range of possible practices. There was no attempt made to select a representative sample of school districts. Given the nature of the study, it was felt that more could be learned by studying a small number of districts in depth. Because representativeness was traded for richness, no conclusions can be drawn about how typical or widespread the practices described here are. Rather we are presenting a detailed look at how the placement process operates in some school districts.

Study data were collected over a two month period between March and May 1979.

The five states in the sample were selected for their variability on demographic, political and special education relevant characteristics including geographic region, population density, population size, per capita income, state vs. local control, special education funding formula, percent of handicapped served and Federal allocation for special education.

Those school districts were selected from each state such that within the state the sample included urban, suburban and rural districts and districts serving a large and small population. We relied on state directors of special education to identify three cooperative districts.

Within each district, an attempt was made to select nine cases from the large district, six from the medium size district and three from the small district although this goal could not be met in all states. Cases were selected by the observers to represent a mixture of initial referrals and re-evaluations for students already receiving special education services as well as a mixture of grade levels and a variety of handicapping conditions. Observers were also instructed to specifically select cases of severely handicapped students and cases where the placement decision was likely to be difficult. Thus, case selection was designed to maximize variation and to allow observers to gather data on particularly problematic placement decisions.

DATA COLLECTION

Data collection of the local school district involved these techniques: (1) observation of the placement team meeting; (2) follow-up interviews with team members, and (3) file review. Extensive notes were taken during the meeting itself. This information was then recorded on a formal observation instrument which was completed immediately after the meeting. The observation was supplemented by later questioning of team members about any points of the process which were unclear. In this way, the observers were able to get a complete picture of the placement decision and how it was reached.

STATE-OF-THE-ART OF EDUCATIONAL PLACEMENT DETERMINATION

Overall, the placement decision-making which we observed can best be characterized by communication, commitment, and flexibility on the part of local school district staff. Communication was operationalized in systematic efforts to document the placement process, to standardize the procedures used, and to manage the complex process of determining an individual LRE apparopriate placement for each handicapped student receiving services.

Commitment to meeting the individual student educational/social needs of the handicapped was of paramount importance to the district staff. LRE per se did not share in an explicit way the nature and intensity of this commitment, but nevertheless placing a student with non-handicapped peers in a "mainstream" environment was an implicit consideration in most placement deliberations.

Flexibility was in evidence in many ways, not the least of which was in district efforts to bend the system to accommodate the individual needs of a specific handicapped student. For example, in several cases where services were needed, but the absolute stringent application of criteria did not permit a student to be eligible for such, district staff found ways to enable services to be delivered. The fact that the system operating within the district could be "brokered" for services in some way demonstrates the flexibility districts applied to meeting individual student needs.

The overriding research question posed by this study - Were handicapped students being educated in least restrictive placements? - can be summarized in the following statement. Overall most handicapped students were placed within the least restrictive environment appropriate given the district's existing resources and placements available. District staff demonstrated commitment, creativity, and flexibility in their efforts to place handicapped children in programs designed to meet their individual needs.

In the following section highlights of findings from the study of local school district practices, content analysis of State Annual Program Plans and the analysis of decisions of hearing officers and judges are summarized.

Local District Practices

- All districts in the sample conducted at least one meeting on each child which focused on the determination of placement and/or the development of the Individualized Educational Program (IEP).
- Parents were present at a great majority of the meetings conducted; and although they did not, in general, participate actively in the decision-making process, they seemed in most cases to be satisfied with the final placement decision.

- Seldom was more than one option considered by the placement committee. It appeared that the classification of children within various handicapping categories limited the type of placements which were appropriate for the committee to consider. The decision-making process seemed to be constrained and confined by the label under which the child was determined eligible to receive services. For example, there are typically not available resource room placements for educable mentally retarded students; therefore, the most common placement for an EMR student was in some type of self-contained setting. To stimulate consideration of more than one option it may be useful to have available a continuum of options for each handicapping category, or perhaps flexibility could be enhanced by determining placement based on a non-categorical approach.
- LRE as a concept was frequently confused with mainstreaming, both in terms of the semantics as well as the application of the construct. However, the implicit commitment of school district staff to educating handicapped children with their non-handicapped peers seemed to be reflected in the philosophy of most placement teams.
- Contrary to early premonitions of some regular education teachers, there was no evidence of wholesale placement of handicapped students in general education classes in the name of least restrictive environment. In most cases when students were returned to regular classes careful consideration of the student's functional level in both academic and social areas was emphasized in placement deliberations.
- More emphasis needs to be given to planning for the interaction of handicapped students with non-handicapped in non-academic and extra-curricular activities in an operational sense. That is, strategies were not explicitly identified which could be implemented to facilitate the interaction between handicapped and non-handicapped peers. This topic was not frequently considered as a part of the placement meeting, or as part of developing the Individualized Educational Program.

State Policies

- Although P.L. 94-142 Regulations appeared to be a systematizing force in several areas of placement related policies, there existed wide variability in the nature and extent of guidance given the local school districts. For example, in the sequence of activities in the placement process and the time requirements associated with these activities there was great variance across the 50 states.
- With respect to LRE policy statements most states cited policies which were generally verbatim transcriptions from the Law. Similarly, these state policies reflected a strong expression of preference for regular class placement and for provision of a continuum of services.

- States typically gave little detail concerning the relationship between the Individualized Educational Program (IEP) meeting and determination of placement.

Legal Decisions

- Courts are assisting in the implementation of the least restrictive environment (LRE) principle by ensuring that all program alternatives required by P.L. 94-142 are available to all handicapped children on an equal basis according to each child's particular needs.
- Placement disputes appealed to the State level usually involved parents and local school districts. Parents in a majority of cases were requesting a placement which had the effect of being a more restrictive setting, usually a private school, for the handicapped student.
- Although the outcome of a large majority of cases at the administrative hearing level was to order a "least restrictive placement", most of these decisions made no reference to the LRE requirement, and those which did, did so superficially.

CONCLUSION

The state-of-the-art description of placement procedures and LRE implementation presented by this study showed that some consistency and some variability existed across the fifteen school districts. All districts had meetings to determine placement. Some had one; some had several, but they all assembled a group of people representing various disciplines to discuss the child. Teams most often discussed the child's academic and social needs — which are extremely fitting topics for a placement meeting. Parents attended meetings frequently and were given the opportunity to participate with varying degrees of encouragement.

In general, parents were satisfied with the outcome of the placement decision.

While the LRE concept was poorly understood and almost never an explicit part of the decision-making, placement teams appeared to be making decisions consistent with the LRE mandate. Their decisions reflected a commitment to providing opportunities for interaction with the non-handicapped even if that commitment was rarely verbalized. There were a number of factors which mitigated against full implementation of

LRE. Some of these included: lack of resources necessary to make a range of options available; lack of skill on the part of placement team members in the art of group process decision-making; time constraints; too few staff and too many cases to process; and the conceptual complexity associated with applying the LRE principle at the operational level of determining a placement. An emphasis needs to be placed on developing processes and strategies necessary for the realization of LRE. These include: training in group decision-making, strategies for creating less restrictive placements, and strategies for actively involving parents. Moreover, the context in which placement decisions are made could be substantially improved. Policymakers at the local, state and federal levels need to etablish complimentary policies which are in accordance with -- or better yet, facilitate -- least restrictive placements. To the extent that these actions can lessen or even remove entirely, the barriers to LRE placement significant progress toward the intent of the Law should be more easily within reach.

In closing, we would like to note that the field staff was generally impressed by the competence and dedication of the people they observed making placement decisions. Observers felt strongly that the placement teams were conscientiously attempting to serve children the best they could. Many of the shortcomings with regard to LRE implementation were due to a lack of knowledge, time or resources. Rarely, if ever, did actions inconsistent with the Act appear to be guided by a belief that the Act in general or LRE in particular was contrary to district or personal philosophy. Rather the states appear to be ready to move beyond ensuring that local district special education staff are aware of the facts of the Act to full scale implementation of the intent of the Act with respect to the principles of LRE.

1

INTRODUCTION

This study represents an examination of procedures for determining the educational placement of handicapped children. The study focused on the criteria and decision rules used for determining the least restrictive environment (LRE) appropriate for each handicapped child. P.L. 94-142, the Education for All Handicapped Children Act of 1975, requires that:

> "...to the maximum extent appropriate handicapped children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate school, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." (Sec 615(5) (b))

Historically, as a legal concept, the LRE doctrine has evolved through a series of court cases. With the planning and implementation of P.L. 94-142, LRE has become a crucial concern for teachers, administrators, and policy makers.

Study Objectives

The study examined four of the areas where decisions regarding least restrictive environment and educational placement of handicapped children are currently being made. Specifically, objectives for this study were:

1) To provide a state-of-the-art description of decision-making procedures for determination of the least restrictive placement
   - as presented at the state level,
   - as utilized at the local level,
   - as prescribed by the courts, and
   - as proposed by authorities in special education.

2) To compare and contrast the various decision-making procedures within and among each of these areas and to analyze the educational implication of variation.

3) To identify specific practices which were designed to meet various needs of the participatory decision-making process advocated in P.L. 94-142. Our focus on the application of the LRE principle provided for the identification of procedures designated as notable adaptions.

To meet these study objectives, four distinct research activities were undertaken as part of this evaluation. To examine the LRE policies and procedures at the level of the state education agency, written documentation from the states, including the Annual Program Plan submitted to BEH, was reviewed (Activity 1). Placement procedures at the local education agency level were studied through observation of the placement meetings and through interviews with team members (Activity 2). The concept of LRE, as prescribed by the courts, was examined through a legal analysis of published and unpublished decisions relating to P.L. 94-124 and least restrictive placement (Activity 3). Lastly, the data from Activity 2 were examined to identify notable adaptations to critical procedures for determination of the least restrictive placement (Activity 4).

Study Components and Research Issues

Within the Activities, the investigation focused on four key components of the study:

1) Standard Operating Procedures - the formalized operations which are in use or are advocated for planning and conducting a placement team meeting. Examples include the sequence of meetings, procedures for notification, and attendees.

2) Determination of Placement - the content of the placement meetings, including the information available to the decision-makers, the placement alternatives considered, and the criteria used to evaluate those options.

3) Ancillary Activities - facilitating activities (related to placement decision-making) which have been provided by the state and local education agencies. In-service training and procedures for self-evaluation are examples of ancillary activities.

4) Constraints/Contextual Factors - which facilitate or inhibit state and local education agencies from achieving full implementation of LRE.

Research issues related to each of the above components generally evoked the following questions:

- What do policies stipulate as required information to be used in determining placement? (Standard Operating Procedures)
- What information is acutally used by the local placement team? How is it shared? (Determination of Placement)
- What training or technical assistance activities are provided to enhance the operation of the LRE provision? (Ancillary Activities)
- What contextual factors are operating which facilitate or inhibit the determination of appropriate educational placement of handicapped children? (Constraints and Contextual Factors)

Summary

This investigation examines the criteria and decision rules used for determining placements under P.L. 94-142. The outcome of the study is a state-of-the-art description of educational placement decision-making in four distinct research areas (Activity 1, State Policies; Activity 2, District Practices; Activity 3, Legal Analysis; and Activity 4, Notable Practices). This allowed for the examination of the least restrictive environment principle and a state-of-the-art description in each of the four Activities. Information was collected about four components related to placement (Standard Operating Procedures, Determination of Placement, Ancillary Activities, and Contextual and Constraint Factors) which provided a methodology for organizing, comparing, and synthesizing these Activities.

Our approach to describing the determination of placement is built on a conceptualization of decision-making which includes the information shared, the options considered, the criteria used to evaluate options, the placement decision itself, and the examination of follow-up procedures for evaluating the appropriateness of the placement. The study also described placement decision-making with respect to several contextual factors. At the state and local level, these variables provided additional information about the system surrounding the decision-making and its effect on the process. Within the setting of the placement team meeting, we were able to see how the process is altered in relation to the specifics of a particular case.

2

STUDY ACTIVITIES

This chapter presents the composition of the four study activities: Analysis of State Policies, Analysis of Local Practices, the Legal Analysis, and the Notable Adaptations to Critical Procedures--all of which relate to determining the educational placement of handicapped children. With regard to these activities, the emphasis is on explaining each study design and methodology (with the actual results and findings integrated into Chapters Three through Six).

State Education Agency Analysis (ACTIVITY 1)

Study Design

The purpose of this analysis was to provide a state-of-the-art description of state-level policies and guidelines related to placement determination. This was processed via a content analysis of 49 State Annual Program Plans plus that of the District of Columbia (from Fiscal Year 1978).

The research questions involved were:

1. What kinds of policies do states have concerning placement of handicapped children and the least restrictive environment?
2. What formalized procedures do states present concerning the placement process?
3. What information do states stipulate should be shared when determining placement?

4. How do states operationalize the continuum of placement alternatives concept and how do they assist Local Education Agencies in selecting from those alternatives?

5. Do states provide other guidelines for determining placement?

6. What additional requirements concerning the placement decision do states present?

7. What ancillary activities (such as training and monitoring) have states engaged in to facilitate placement decision-making?

8. What constraints have states encountered in implementing LRE?

The analysis of state guidance concerning placement decision-making provided information against which actual implementation at the local level could be compared.

Methodology

The Annual Program Plan of each state, which is submitted to BEH for approval, must contain a variety of assurances and information concerning the state's implementation of P.L. 94-142. To supplement and verify their report, many states append supporting documents to their Plans, i.e., administrative manuals, legislation, regulations, monitoring forms, etc. Thus, the Annual Program Plan is often one of the most comprehensive compilations of state-level data concerned with handicapped children. For this reason, the Annual Program Plan was chosen as the body of information to be analyzed to determine the extent of state guidance in the implementation of LRE. Annual Program Plans for Fiscal Year 1978 and all available corresponding documents were analyzed for all 49 states and the District of Columbia (New Mexico was non-participating and, therefore, did not submit a plan).[1]

Content analysis was used to abstract and quantify the data. In brief, content analysis involves developing theoretically relevant categories and then classifying the content according to those categories.

---

[1] Every attempt to secure final and approved FY '78 Annual Program Plans was made. Although draft Plans were not used for content analysis, it was difficult to discern whether the Plans were actually in final form. Matching revised Plans to their approved version to identify any differences was beyond the scope of this study. Some states, therefore, may have made final changes which were not discovered during analysis.

To help ensure objectivity and reliability, two analysts individually read and coded the information for each plan and then met to synthesize their findings. The results from the synthesis forms were then tallied and were presented as our final results.

Due to the large amounts of information that could potentially be contained in the Annual Program Plans--much of it irrelevant to the study--some systematic way of narrowing the field of inquiry had to be determined. First, only those parts of the Plan identified as pertinent to the study were analyzed. A pre-specified sequence for reading each section and each supporting document also was adopted to further systematize the analysis. Thus, each Plan was reviewed in the following order:

1. Least Restrictive Environment Section
2. Individualized Education Plan Section
3. Participation of Private School Children Section
4. Placement in Private Schools Section
5. Annual Evaluation Section
6. Child Identification Section
7. Protection in Evaluation Procedures Section
8. Procedural Safeguards Section
9. State Regulations, if appended
10. Administrative Handbook Sections, if appended
11. Training Manuals, if appended
12. Monitoring Instruments, if appended
13. Other Relevant documents, if appended

Study Limitations

It is the nature of content analysis that only explicit references should be used in determining the inclusion or exclusion of content into categories and not inferences made by readers about what may or may not have been intended. This conservative approach is necessary if any consistency or objectivity is to be maintained. Therefore, ambiguous statements or content requiring inferences to be made before assignment to categories should be eliminated from analysis. Only the concrete and explicit statement can be classified with any accuracy. Therefore, the approach throughout the analysis was one of judicious prudence.

The extent to which this caution would have to be exercised, however, was not anticipated. The Annual Program Plans, as it turned out, were highly discrepant in the precision with which they were written. Rather than lose too much information due to insufficient clarity for coding, some categories were supplemented by an "implied" or "other" response option. Thus, areas where the states' coding was unclear also could be identified.

A similar difficulty involving the content of the Plans was the existence of contradictory statements. Although at first these contradictions may have seemed unexpected, considering the variety of materials and the time span over which they would have been composed, such occurrences were understandable. Two approaches were taken to deal with this problem; the technique used was determined by the probable cause of the discrepancy. If differences were due to the inclusion of outdated materials, the most recent information was analyzed. If, however, the recency of the documents could not be determined, or if the discrepancy was not caused by old information, a notation summarizing the contradiction was made, and both statements were recorded.

The converse of the outdated information problem also was encountered during analysis; i.e., some states "proposed" guidelines or changes, rather than actual and official information. These policies/procedures were not formally adopted at the time the Plans was written and may never have been. Since it would have been impossible to ever obtain completely current information or ascertain if what was proposed was actually accepted, those statements of "proposed" action were reviewed as if they were official.

A final consideration concerning the content of the Plans is that of omitted information. Because project staff did not acquire and read all materials for each state, the absence of reported information does not necessarily mean that states do not have policies or guidelines in that area. For this reason, the reported results include the option "no mention," so that lack of reported information will not be misconstrued as absolute absence of state guidance. Considering the volume of information analyzed for each state, it is unlikely, but possible, that, concerning a particular area of investigation, a state could have written guidelines that were not available to the content analysts.

Cautions in Interpreting the Data

All materials containing placement information of a state may not have been included in the content analysis. Therefore, the results should be viewed as a comprehensive description, but not as a definitive reporting of state leadership in placement determination. Furthermore, it was beyond the scope of this report to verify whether the states' guidelines were actually in practice at the local level. We could only summarize what the states have, in writing, described as their recommended procedures concerning placement.

It also should be noted that our results derive from the 1978 Annual Program Plans. A brief look at some of the Fiscal Year 1979 Plans indicated that some states have added substantial information to their approach to placement decision-making. We fully recognize that changes may have been made in the states since their '78 Plan. Our information, therefore, is not necessarily the most up-to-date for those states initiating substantial revisions since their '78 Plans were submitted.

Finally, the extensive scope of our inquiry should be taken into consideration when interpreting the non-response of states. In many cases, we were looking for highly detailed, specific information not required to be contained in the Annual Plans. Thus, the lack of response on these items by some states should not be interpreted as noncompliance or inadequate guidance. Depending on state laws and histories, variation in the extent of control or assistance is to be expected. In addition, the purpose of the content analysis was not to verify whether the states included all required information in their Program Plans. We were simply interested in determining what information does exist at the state level, and the Annual Program Plans provided the most comprehensive compilation for our purposes.

Local Education Agency Analysis (Activity 2)

Study Design

The purpose of this activity was to provide a state-of-the-art description of placement decision-making procedures at the local level. Of chief interest was the manner in which the principle of least restrictive environment (LRE) entered into and affected the placement decisions concerning handicapped students. Data for this study were collected primarily through on-site observations of placement team meetings over a two-month period spanning March to May of 1979. The study sample consisted of 5 states and 15 Local Education Agencies. In all, 134 meetings and 96 cases were observed.

The research questions generated to guide this study followed four broad areas of interest/concern: standard operating procedures, placement determination, ancillary activities, and constraints. These areas and their attending specific queries were:

- What standard procedures for determining placement are operating at the local level?
  - What procedures exist for coordination between the Local Education Agency and other agencies (public, private) which serve handicapped children?
- How do Local Education Agencies determine placement for their handicapped students?
  - What information is shared within the decision-making environment?
  - How is this information shared?
  - How is this information used?
  - Are placement options considered?
  - Is there a list of placement options available within the district? Are extra-district options considered? (Are they documented?)
    - How many options were considered?
    - In what order are they presented?
  - What criteria are used to evaluate placement options?
    - Is LRE included as a criterion?

        - How is LRE determined?
    - What provisions are made for interaction with non-handicapped peers?
        - Are extracurricular activities considered?
    - What is the sequence of the decision-making process?
    - What is the outcome of the placement meeting?
        - What aspects of monitoring and/or evaluating the implementation of the placement are considered?
            - Are the evaluation criteria specified?
            - Are responsible individuals identified?
- What types of ancillary activities at the Federal, state, and local levels have facilitated least restrictive placements for handicapped students?
    - Have staff members been provided in-service training?
    - What types of monitoring procedures have been implemented by the State Education Agency and/or by the Local Education Agency?
- What constraints impede placement in the least restrictive environment?
    - What are the effects of contextual variables on placement decision-making?

Methodology

The sampling for this study was a major consideration in the methodology to ensure comprehensiveness. It involved selections in the full range or placement procedures on three levels--state, local, and individual.

State Sampling. The strategy for selection of states was not to allow for consistency among all 50 states, but rather to capture the broadest range of diversity possible. Thus, five states were selected primarily for their variability on socio-demographic and special education. Relevant characteristics include:

- geographic region (1 Northeast, 1 Southeast, 1 Central, 1 Southwest, 1 Northwest)
- funding formula (2 unit, 3 excess costs)
- population density (2 high, 2 medium, 1 low)

- population size (1 high, 2 medium, 2 low)
- per capita income (2 high, 2 medium, 1 low)
- state versus local control (3 high, 2 low)
- percent of handicapped served (3 high, 2 medium)
- 1978 Federal allocation (1 high, 2 medium high, 1 medium, 1 low).

Local Education Agency Sampling. The sample of local education agencies was based on a systematic plan to ensure representation of three key characteristics: size, special building facility, and availability of a wide range of placement options.

Since diversity of procedures rather than proportional representativeness was desired, we relied heavily on the state directors of special education to identify three cooperative districts of varying size and placement procedures. The actual sample primarily consisted of one large (urban), one medium (suburban or rural), and one small (suburban or rural) district in each state (save for one which had 3 small rural districts), each with various idiosyncratic placement features. Within the total sample of 15 localities, variations in special school facilities and option continuums were present.

Case Sampling. For each size district in a state, a minimum number of cases was required: three cases in small localities, six in medium, and nine in large school districts. Thus, a total of 90 cases was the overall goal for the study sample of cases. To allow for the greatest understanding of each case and the reasons behind each placement decision, where possible, all meetings held for a particular student (after assessments had been completed) were observed. Thus, eligibility meetings, placement meetings, and meetings to develop Individualized Education Programs were included in our data collection.

Several key case characteristics were identified as important variables which might affect the way in which placement decisions were made. Other case features were purposely selected to ensure inclusion of a broad variety of case characteristics. In each state, field staff selected cases representing different reasons for placement decision-making (initial referrals, annual reviews, scheduled reevaluations, and reevaluations for change in placement). Another important consideration was to select cases at a variety of grade levels (especially preschool and high school), with a variety of handicapping conditions (especially low-incidence populations) and with varying levels of severity. Thus, case selection was designed to maximize variation and to allow observers to gather data on potentially problematic placement decisions. One additional selection criterion for cases superceded all previous considerations, however. Because of the relative rarity of occurrence, cases where the placement decision or discussion was likely to be controversial (parents disagreeing, conflicting assessment data, etc.) were given top priority for selection.

Ultimately, the selection of cases was dependent upon the willingness of district personnel to assist with identifying diverse cases as discussed above, as well as parent willingness to give permission for observers to attend meetings. Because parent consent was required prior to study participation, and because atypical or unusual cases were purposely selected, some degree of bias in the case sample was likely to exist. For this reason, caution must be exercised when interpreting the data.

Data Collection. Three information-gathering techniques were principally applied to the collection of the data: (1) structured observations of placement team meetings; (2) informal, unstructured interviews; and (3) file review. Field work covered a two-month period during Spring 1979. Applied Management Sciences' permanent and temporary staff were trained in the observation and recording techniques and were responsible for all data collection activities.

The instruments developed to collect data can be categorized as:

1. Observation System
2. State and District Forms
3. Log

All three categories were vital to capturing the various levels of sophistication in understanding and applying placement procedures. The development and utilization of each is discussed below.

1. Observation System (Note Form, Observer Report Form, and Case Information Form)

The core of the collection activities was this system designed to capture information exchanged during meetings. The research questions presented above guided the development of the observation system. Given the nature of the data collection and the fact that no structured questionnaires were used, the observation system itself had to be very specific. In addition to coding the proceedings of meetings within specific observation categories, the field interviewer augmented the system with notes regarding information which: (1) was not codable within the existing observation system; and/or (2) verified or clarified the use of certain codes.

Prior to the development of the observation instruments, project staff members used an ethnographic approach in observing meetings in several school systems in the Washington-Metropolitan area. This approach provided direct information about actual placement practices in different localities. Through review of position papers related to LRE, P.L. 94-142 procedures manuals, and planning models for educational placement, we also familiarized ourselves with written procedures related to placement. Through ethnographic techniques during instrument development, and through our increasing familiarity with the placement process, we were able to construct an observation system which accommodated the realities of a variety of local placement procedures. Coding categories emerged from the literature and were validated, expanded, or deleted according to ethnographic observation and field testing.

The nature of the research questions and the data collection methodology dictated that the study focus on the content of placement team meetings. Consequently, the process aspects and interpersonal dynamics of group decision-making were not within the scope of this study. The observation system was constructed to code what transpired within the context of the placement meeting, as opposed to how information was communicated--the type and patterns of interpersonal communication which were ongoing within the group discussions were not considered for purposes of this study.

The final observation system consisted of three core instruments: a note form to record meeting proceedings, a report form on which the content of each meeting was coded, and a case information form which summarized all data collected on a case (meetings, files, supplementary discussions). The note form consisted merely of blank sheets of paper marked with five-minute intervals so that observers could determine the amount of discussion on subject matter. (One set of note forms ran from 0-60 minutes.) These forms were used during the meetings to capture important elements of discussion needed to complete the Observer Report Form. Following the meeting, then, the note forms were used as a reference to fill out the Observer Report Form. This latter instrument contained the bulk of information collected on site: attendees, content of meeting, extent of discussion, options considered, and decisions made. One of these instruments was filled out for each meeting observed on a case. Finally, all information on each student was synthesized on a Case Information Form. In addition to data collected through observations of meetings on a case, the results of file reviews and any discussions with relevant personnel were summarized here. This form captured background information specific to each case (sex, age, handicapping condition, prior placements, and assessments). In addition, a brief narrative of the decision-making process and ultimate disposition (placement decision, degree of restrictiveness) was included.

2. State and District Data Forms

These instruments were used to record state education and local education agency demographic information. Most data were collected through document reviews (Annual Program Plans, administrative manuals, and other special educational materials). Other information was gathered through on-site experience or "verification/clarification" discussions with relevant state or local personnel. Examples of information contained on these forms included: enrollment figures, funding, placement options, handicapping conditions served, and written policies/procedures related to LRE.

3. Log

Daily entries were made in the log to maintain a permanent record of such things as:

- cases identified for study
- meetings observed
- persons interviewed
- interesting practices uncovered
- difficulties encountered
- general reflections on placement practices and policies.

The log served several purposes. First, it was an essential scheduling and communication link between field staff covering different cases during the course of the day. Second, it kept a running account of the types of items that would be discussed at debriefing sessions following data collection. Rather than depend on recall at the end of the eight-week data collection period, the log recorded immediate and accurate impressions of ongoing occurrences. These included problems, strong points, peculiarities, etc., associated with the placement cases and the field work.

Finally, the log provided invaluable assistance to the subsequent qualitative data analysis and retrospective conclusions which make up the bulk of this report. Often the data collector on site found much potentially useful ancedotal information which would otherwise have been lost. The log, therefore, served as a forum for some of the qualitative assessments which have been made and for the conclusions which have been drawn.

Unstructured interviews were conducted after the placement team meetings. Typically, the following participants were interviewed:

- parent
- teacher
- administrative representative or principal
- school psychologist.

These interviews were used to verify or to clarify the initial perceptions and observations of the field interviewer as well as to supply data to complete gaps in necessary information. These interviews were of an informal nature and their content was related to the decision-making processes which were observed within the individual team meeting. The content of these interviews was determined by information which the observer was not able to record. For example, it was sometimes necessary to clarify such information as:

- implied decision rules
- final placement decision
- perceived rationale for placement
- satisfaction with placement decision.

The content of interviews related to these areas was not the same for all cases or for the placement team members of the same group. Content was determined on an individual basis. Probes for further information were required only where clarification related to a particular area was necessary.

Preparation for Data Collection. Two field observers were assigned to each state. Prior to actual data collection, extensive training and preparation were required. All field staff members had backgrounds in areas such as education, counseling, or sociology. Prior to the actual training sessions, observers were given a basic set of required readings to familiarize themselves with necessary content of the study. With this background reading and through discussions during training, they developed the ability to draw implications about decision rules which were operating within the context of placement meetings.

In addition to the required readings, training consisted of practice in coding video-taped simulations of placement meetings. Hypothetical cases also were positted to prepare trainees for the range of situations which could be encountered. A variety of these sessions provided practice in coding and ethnographic notetaking, as well as in follow-up verification/clarification interviewing.

All trainees were required to achieve a trainee-criterion reliability level of at least 0.75. In order to assure that field staff were applying the coding system properly and were recording other pertinent information, reliability was measured during training, as well as periodically thereafter, throughout the data collection period. With regard to the use of the instruments, all observers actually exceeded the reliability standards of 0.75.

Data Analysis

The information compiled from the observation system and the state and district forms was recorded, tabulated, and cross-tabulated as the means towards quantitative analysis. The narrative summaries of cases provided healthy sources from which illustrative and qualitative data could be extrapolated. The recordings in the logs (including anecdotal information) also served to substantiate and clarify the qualitative analysis.

In the following tables, an overview of district and case characteristics are presented. The analysis was constructed within these sampling characteristics. The attending limitations involved in accommodating these characteristics also are noted.

Handicapping Conditions Served. A broad variety of handicapping conditions was identified and served by the districts in our sample. Table 2.1 arrays the percent of children served by handicapping conditions across contrasting variables. Figures are derived from local education agency child count data. A separate sub-table below it shows the number of classification options used in different districts.

It should be noted that the overall percentages from our sample districts differed a good deal from current national figures, as well as from expected levels of occurrence. Table 2.2 shows the current national averages, the district (sample) averages, and the expected levels (consensus of authorities) of the incidence of handicapping conditions.

TABLE 2.1: OCCURRENCE OF SPECIFIC HANDICAPS SERVED BY SELECTED DISTRICT CHARACTERISTICS

LEA Characteristics	Average Percent of Occurrence[1]									
	Geo-Social			Ethnicity		Special Educ. Expenditure		Placement Procedure		Total
Specific Handicap	Urban	Sub-urban	Rural	High Minority	Low Minority	Low Per Capita	High Per Capita	Centralized	Autonomous	
Specific Learning Disability	32.0	35.3	36.0	40.1	28.7	29.9	39.1	26.4	42.1	34.8
Speech Impairment	29.0	26.0	27.6	26.1	29.4	33.7	22.4	35.4	20.9	27.7
Mental Retardation	20.0	21.0	21.6	21.6	20.4	22.6	19.8	23.3	19.1	21.1
Social/Emotional Disturbance	11.5	5.0	11.6	8.1	12.7	8.9	11.5	7.7	12.5	10.3
Orthopedic/Physical Impairment	2.8	5.3	.4	.5	3.7	1.1	2.8	2.6	1.5	2.0
Visually Handicapped	1.0	.7	1.3	.9	1.3	1.1	.9	1.4	.6	1.1
Hard of Hearing	1.8	.7	.4	.5	1.1	.7	.9	.7	.9	.8
Deaf	1.0	.0	.1	.1	.6	.7	.0	.1	.5	.3
Health Impaired	.5	.7	.1	.0	.7	.1	.5	.3	.3	.3
Multiple Handicap and Other	2.3	6.3	.9	2.1	2.6	2.1	2.5	2.4	2.3	2.3
Number of Classifications Used in Districts	8.8	7.0	5.8	5.9	7.9	7.0	6.6	6.9	6.8	6.8 (max=10)

---

[1] Percents are averaged across LEAs, rather than within sums.

TABLE 2.2: PERCENT OF HANDICAPPING CONDITIONS SERVED

Handicap Classification	National Average	District Sample	Expected[1] Incidence
Specific Learning Disability	21.5	34.8	25.0
Speech Impaired	35.2	27.7	29.2
Mentally Retarded	26.1	21.1	19.2
Severe/Emotional Disturbance	7.6	10.3	16.7
Visually Handicapped	1.0	1.1	.8
Orthopedically Impaired	2.3	2.0	4.2
Health Impaired	3.8	.3	
Hard of Hearing	2.4	.8	4.2
Deaf		.3	.6
Other	—	2.3	.5

---

[1] Percents interpolated from Office of Education, DHEW, estimates, 1979.

A most notable difference occurs in the category of specific learning disabilities wherein the sampled districts had an average incidence of this condition of 34.8 percent, which was 10 percent above the level authorities projected and 13 percent higher than the current national average. Smaller, but noteworthy, differences existed for other handicapping conditions as well. This underscores the non-generality of the study data.

Within the sample, minor variations occurred across district categories in the percent of students served and the variety of labels used. In general, urban and low minority districts reported higher levels of less common handicapping conditions and used a broader range of classification nomenclature.

Reasons for Case Selection. Given the anticipated difficulties in acquiring the range of cases desired and the variety of selection criteria used, the reasons for choosing particular cases were carefully documented by the field staff. Table 2.3 provides an actual case-by-case description of the primary selection factors used in the sampling. The purposeful selection of cases by issue-oriented factors was severely constrained by the actual availability of placement cases during the limited observation period and within the small sample of districts. This table reflects these constraints as well as our attempts to sample unusual and difficult cases.

Handicapping Condition. A central feature of the sampling approach was the selection of cases that would represent both a broad diversity of handicapping conditions and a variety of procedural complications. For these reasons, the actual cases selected were neither representative of national nor local distributions. Table 2.4 shows this divergence from the norms. Four types of handicapping conditions were sampled much more than their natural occurrence: Severe/Emotional Disturbance, Visually Handicapped, Orthopedically Impaired, and Health Impaired. The first condition was over-selected because of the potentially controversial nature of this type of case, as well as the possibility of greater discussion regarding appropriate placement and district. For

TABLE 2.3: REASONS FOR SELECTING CASES

REASON	PERCENT OF CASES[1/] (N=96)
One of first cases selected in LEA	26 (n=25)
To balance number of initial referrals and re-evaluations	14 (n=13)
Child is severely handicapped	13 (n=12)
To balance grade level distribution	13 (n=12)
Placement is likely to be an issue	11 (n-11)
To balance distribution of handicapping conditions	9 (n=9)
Child is blind, deaf or seriously emotionally disturbed	8 (n=8)
Other	40 (n=38)

[1/] Multiple responses were allowed.

TABLE 2.4: SAMPLED CASES COMPARED TO LEA AND NATIONAL DISTRIBUTIONS

Handicapping Condition:	96 Cases (N)	LEA Distributions (%)	National Averages (%)
Specific Learning Disability	28	34.8	21.5
Speech Impaired	3	27.7	35.2
Mentally Retarded	21	21.1	26.1
Social/Emotional Disturbance	24	10.3	7.6
Visually Handicapped	4	1.1	1.0
Orthopedically Impaired	8	2.0	2.3
Health Impaired	6	2.0	2.3
Hard-of-Hearing	1	.8	2.4
Deaf	0	.3	2.4
Other	1	2.3	—

similar reasons, in contrast, Speech Impaired cases (3) were under-sampled. Visually Handicapped, Orthopedically Impaired, and Health Impaired cases were sampled more than their proportional representation because they involved less common placements. Low incidence conditions, because of their infrequency, present novel and unfamiliar conditions which could challenge the *pro forma* operation of a standing placement team.

Demographic Characteristics. Table 2.5 gives general demographic characteristics of the sampled cases. There were more males (56) than females (40), which is typical of general trends in special education. The distribution of minority student cases (26%) was fairly representative of their general occurrence in the sample districts (24%). Type of Case refers to the causative source of the referral for each of the 96 cases which were studied. Comparison figures were not available, but the lower figures for Scheduled Re-evaluations (15) and Reviews (10) in our sample did not reflect the high occurrence of these types in general practice (especially at the end of the school year, when data collection was conducted). Because these cases were typically *pro forma* in nature and rarely resulted in placement changes or controversies, Initial Referrals and Reevaluations for Change in Placement were purposively over-selected, resulting in under-representation of Annual Reviews and Scheduled (3-year) Reevaluations.

In examining these sample characteristics, it should be noted that they reflect a nonrepresentative selection (relative to national figures). Less frequent handicapping conditions and uncommon types of cases were represented more than they would be in a random sample. This situation was a direct result of the case selection design which was devised to obtain cases representing a broad diversity of variables.

Study Limitations and Problems

Aside from the limitations mentioned above, there were two other considerations affecting the data collection. One was the effort needed

TABLE 2.5: GENERAL CHARACTERISTAICS OF CASES

CASE INFORMATION	CHARACTERISTICS		PERCENT OF TOTAL (N=96)
A. Sex:	Male		58 (n=56)
	Female		42 (n=40)
		TOTAL	100 (N=96)
B. Ethnic Group:	Non-Minority		69 (n=66)
	Black		17 (n=16)
	Hispanic		7 (n=7)
	Other Minority		2 (n=2)
	Unknown		5 (n=5)
		TOTAL	100 (N=96)
C. Type of Case:	Initial Referral		40 (n=38)
	Reevaluation for Change in Placement		34 (n=33)
	Scheduled Reevaluation		16 (n=15)
	Review		10 (n=10)
		TOTAL	100 (N=96)

to consistently stress upon the districts and their personnel that this was not a compliance study. This was done prior to securing the district's cooperation and throughout the data collection process by the field staff. The second consideration was the impact the observer(s) might have upon the conduct of meetings.

The existence of an observer documentating what transpired at the meeting probably influenced, to some degree, what was discussed and how information was presented. The presence of an observer might have had some effect not only upon the meeting content, but also upon the rationale for the final placement decision, or perhaps even upon the decision itself. Where districts had standing team members, the effect of the observer's presence was diminished as the team conducted more meetings with observation data being collected. In such cases, the parents were at more of a disadvantage because they did not have opportunities to become accustomed to being observed.

There was no way to eliminate the effect the observer might have on the placement process. The observers were, of course, as unobtrusive as possible. Furthermore, the interviewers were asked to note any indications of possible effects, such as glances or comments directed to them. The observers also occasionally inquired, as part of the follow-up interview, whether the interviewee felt the observer's presence made a difference. Since the problem could not be eliminated, our approach was to minimize it and to attempt to evaluate how extensively the observers affected the placement decision-making process.

Legal Analysis (Activity 3)

Study Design

The purpose of this part of the total study was to describe and analyze how the "least restrictive environment" requirement of P.L. 94-142 is being implemented by judges and administrative hearing officers, and to determine whether the LRE requirement is reflected in placement decisions where disputes are involved. This activity was divided into four basic areas: (1) a summary of the historical basis of the requirement, focusing on relevant court decisions; (2) a description of the requirement, as specified in P.L. 94-142 and its regulations; (3) an analysis of the requirement, from the perspective of judges and administrative hearing officers; (4) an analysis of administrative decisions and how the requirement is being implemented in court. The actual findings are presented here, and the methodologies peculiar to each investigation also are mentioned. In addition, a conclusion, which summarizes and comments on the findings, is offered.

Methodology

The thrust of the Legal Analysis was to determine the implementation of the LRE requirement at the court level and at the administrative appeals level. The review of court decisions arising under P.L. 94-142 and the analysis of the decisions in relationship to the LRE requirement was accomplished through a variety of techniques. The decisions reviewed included both published (by a standard publishing system, e.g., West Publishing Company) and unpublished cases. These cases were located by means of a thorough search through: (1) state "annotated" statute books for all of the states; (2) the relevant West "Digests" of cases which are organized by subject matter; and (3) periodicals in the areas of law and education, and public policy and education, e.g., the Education Bulletin published by the Center on Law and Education in Cambridge, Massachusetts. Court decisions also were solicited from nine selected states which participated in the study of administrative decisions based on appeals.

The court decisions were grouped into six general categories: (1) major enforcement cases, each raising a number of basic issues of implementation of significance to large numbers of children; (2) cases challenging the suspension and expulsion of handicapped children from public school; (3) cases raising various issues relating to private school placements; (4) cases concerning participation in athletics by handicapped students; (5) cases challenging the failure of states to use "impartial hearing officers;" and (6) individual appeals from the decisions of hearing officers. Cases in these categories were discussed and their relationships to the implementation of the LRE requirement was explored.

To review and analyze a sample of administrative decisions resulting from disputes between parents and school systems over special education placement, a content analysis approach was utilized primarily.

Nine states were selected as a result of their level of activity in deciding administrative appeals. These particular states were selected because of the likelihood that since the inception of P.L. 94-142 on September 1, 1977, they would have had a minimum of 20 administrative appeals decisions.

Each of the nine states was asked to send 40 of its most recent decisions at the highest administrative level (where the facts of the case were fully discussed) or all of its administrative decisions at that level since September 1, 1977, if this was less than 40. Decisions at the highest administrative level were requested so that the sample would reflect the "final work" in the state on the implementation of the LRE requirement. Forty decisions were requested in the hope that a minimum of 10 and a maximum of 20 would contain a placement decision with sufficient supporting information to indicate whether and to what extent the LRE requirement was reflected in the decision.

A total of 295 decisions were received, of which 121 were usable for purposes of this analysis. Some decisions were not usable since they did not result in placement decisions and thus were not relevant to the purpose of the study. Some decisions were unusable because poor duplication made them illegible, or because they did not contain sufficient information concerning the placement alternatives.

In asking the states for their most recent decisions, we did not ask for placement decisions in which the LRE requirement was at issue because one purpose of this study was to determine whether the LRE requirement is reflected in placement decisions. We asked for the most recent decisions because of the greater likelihood that these would reflect more of the requirements of P.L. 94-142 than the earlier decisions which were made when the Law was first being implemented and was not as well understood because of a lack of experience with its provisions.

All of the placement decisions were read, reviewed, and analyzed from the perspective of the LRE requirements. The review and analysis utilized the format of two analytical instruments: a "Content Analysis Checklist" and a "Content Analysis Summary Form." Both of these were designed to elicit, from the decisions, information relevant to the implementation of the LRE requirement. The "Summary Form" was the basic reporting form and utilized the "Checklist" as a cross-reference to ensure completeness of the reporting.

Notable Adaptations to Critical Procedures (Activity 4)

Study Design and Methodology

This activity identified significant policies, procedures, and activities in the 5 states and 15 districts which participated in the study of Local Education Agency placement procedures. P.L. 94-124 regulations stipulate certain procedures that Local and State Education Agencies must minimally establish, and therefore, are "critical" in assuring the placement in the LRE appropriate. The critical procedures are:

Identification and Evaluation (including public awareness, referral and screening, communication and documentation)

Placement Decision-Making (eligibility, the planning team meetings, and individual educational plan development)

Parent/Student Involvement

Review and Reevaluation (the continuum and related services)

Program and Individual Services

A "notable adaptation" was defined as an activity, a practice, or an established procedure which has one or more of the following characteristics:

1. goes above and beyond the mandates of P.L. 94-142;
2. indicates creative problem solving;
3. illustrates ideas or solutions to areas of BEH concern.

The primary approach was to examine the sampled state and district reports and documents, as well as the data collected through on-site observations of placement team meetings which contributed to the 96 individual case studies comprising Activity 2. As part of the observation system, observers recorded, at each planning team meeting, any procedures, approaches, or suggestions which:

- were unusual;
- were well-received by the group;
- facilitated the exchange of information and decision-making;
- provided for a less restrictive placement;
- thoroughly involved parents in the process;
- evidenced creative problem solving.

The analysis of state policies and of the local agency data collection yielded a random harvest of information from which particularly rotable practices could be extracted and examined in terms of the critical procedures set forth in P.L. 94-142.

Summary

These four study activities—the "State," the "Local," the "Legal," the "Notable Adaptations" Analyses—constitute the ingredients in the Least Restrictive Environment Placement Study. The findings and recommendations produced by these activities are presented in the following chapters: Standard Operating Procedures for LRE Determination, Determination of Placement, Ancillary Activities, Contextual Factors and Constraints.

3

STANDARD OPERATING PROCEDURES FOR LRE DETERMINATION

Background

P.L. 94-142 requirements regarding special education eligibility and placement decisions stipulate:

1. Written parental consent must be obtained before conducting a preplacement evaluation.
2. A full and individual evaluation of the child's educational needs must be conducted before any action is taken with respect to the initial placement.
3. The eligibility and placement decision is made by a group of people, including those knowledgeable about the child, the meaning of the evaluation data, and the placement options.
4. The eligibility and placement decision is based upon a variety of sources, including aptitude and achievement tests, teachers' recommendations, physical condition, social/cultural background, and adaptive behavior.
5. Information must be documented and carefully considered.
6. The placement decision is made in conformity with the LRE rules.
7. The placement decision must be made on an individual basis.
8. If a determination is made that a child is eligible for special education and related services, an Individualized Education Program must be developed for the child.
9. Written parental consent must be obtained before initial placement in a program.
10. Re-evaluations of the child are conducted every three years, or more frequently if conditions warrant, or if the child's parents or teacher requests a re-evaluation.

11. Written notice must be given to parents a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

12. A continuum of alternative placements must be available to meet the special education and related service needs of handicapped children. (This continuum is defined specifically to include instruction in regular classes with resource room or itinerant services, special schools, home instruction, and instruction in hospitals and institutions.)

Additionally, local education agencies are given direction with regard to the need to "insure that handicapped children have available to them the variety of educational programs and services available to nonhandicapped children served by the local education agency including art, music, industrial arts, consumer and homemaking education and vocational education." This variety of educational programs and services available is not confined to those listed, but includes the right of access to any programs or activities in which nonhandicapped children participate (Section 121a. 305).

In Section 121.306, the enabling legislation further expands those activities in which handicapped children have a right to be involved. These include extracurricular and nonacademic services, recreational activities, special interest groups or clubs sponsored by a public agency.

Furthermore, the Regulations require that, in arranging for these nonacademic and extracurricular activities (meals, recess periods, etc.), each public agency is responsible to ensure that each handicapped child participates with nonhandicapped children to the maximum extent appropriate to meet the needs of that child.

The above discussion of background should be helpful in following the presentation of this chapter and the following ones.

"Standard operating procedures" refers to guidelines contained in state and district documents regarding placement decision-making. The findings here are presented under the following components: LRE Policies; Notification Procedures; Participants; Types and Frequencies of Meetings; Agenda; and Procedures for Encouraging Participation.

LRE Policies

As found in the analysis of State policies, most states in some way addressed LRE. The majority of these were paraphrases of the Law, although a few states expanded upon this model. Definitions of LRE also were provided by several states; most of these indicated that mainstreaming--placing children in environments providing interaction/integration with nonhandicapped--was synonomous with LRE. Very few states (28%) indicated that they required their local districts also to have a policy statement on LRE, and fewer still said that this was recommended. More than half of the states made no mention of whether their districts were to have LRE statements of their own.

Corresponding characteristics appeared in the analysis of local district policies. At some sites, districts had their own set of policies which they had written and published. In others, the only information on policies that the observers could obtain were state application forms which the districts were required to sign when applying for P.L. 94-142 funds. Most state applications cited the Law or the Rules and Regulations verbatim and required the districts to give "assurances" that these procedures were being implemented. In those districts in which no other policies and procedures were published, these state applications had to be accepted as being representative of the districts' standard operating procedures.

A review of district plans submitted to the state education agency provided information on local procedures related to placement decision-making and the LRE principle. In general, the districts included references to Federal and state laws as they related to these issues. In most cases, however, districts did not go much beyond reconfirming or concurring with the philosophical intent of state and Federal requirements. For example, a district would simply affirm its commitment to "apply the doctrine of Least Restrictive Alternatives to the delivery of education services;" in a local education agency plan, this represented a typical reference to the issue of least restrictive placements. On the other hand, there were isolated instances where a district was much more comprehensive in its assurance that LRE was a meaningful consideration which influenced educational placement decisions for handicapped students: "handicapped students are to be educated with nonhandicapped students except when the handicapped student's educational progress would be slowed, the quality of his or her educational services would be harmed, or the student's behavior is repeatedly and demonstrably disruptive of other students' programs."

Notification Procedures

Written notice must be given to parents before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placements. All states indicated that they required written notice to the parents concerning placement (placement meetings, procedural safeguards, placement decisions). Some states also added that not only was notice of placement and/or change in placement required, but also notice of continuation of placement. No states mentioned any procedures for notification of others (staff, diagnostician, etc.).

State requirements concerning parental consent were examined for four steps in the placement process: referral, evaluation, placement, and change in placement. Very few states even mentioned any requirement for parental consent concerning referrals (44 state Plans did not address this area) and no states made consent a requirement for referral. Six states, however, indicated that notice concerning referral was provided to the parents.

Nearly all states (48) clearly indicated that parental consent was required for evaluation. For two states, however, the consent requirements for evaluation were not clear. One state reported that consent was "implicit," yet the state law referred only to "notice and participation." The other state required notification of evaluation, but unless the parents objected on a "response form," the assessment was conducted. This same state went on to add that if the parents objected and did not attend the conciliation conference, the district would proceed with the evaluation anyway.

The problems with lack of clarity concerning "consent" became more evident in the area of initial placements. For 36 states, consent for placement was indicated. With another nine states, however, only notice was mentioned or "consent" was not clearly stated. Several states mentioned that parents could indicate their "satisfaction or dissatisfaction" with the placement or that notice was sent and the parents "may agree." Other states viewed failure of the parents to respond within a specified period of time (7-10 days) as "consent."

Finally, the consent requirements for change in placement were examined. Responses were fairly evenly distributed among those states requiring consent (15), those requiring notice (16), and those that did not address the issue (19).

In nearly all districts (from the local sample), the standard operating procedures met the requirements of the Law, and most districts (12 out of 15) exceeded the Law requiring consent for initial placement with their further requirement for written parental consent before any change in placement occurs. One of the states (local sample) required written consent for continuation pursuant to review. The districts in that state made extensive efforts to reschedule meetings when parents failed to appear, and thus acknowledged the need that the consent actually be informed consent. The disticts rarely proceeded with placement meetings without parent attendance. Other districts faced with the same problem would proceed with the meeting, decide the placement, and seek written consent afterwards. The problem of consent and actual informed consent is discussed further under "Participants."

A notable practice regarding notifying parents and contributing to informed consent was that found operating in two of the sampled local districts. Initial contacts with parents via letters advising of intent to evaluate and gain consent often come as a surprise to parents; the result usually was confusion. These districts alleviated much of the possible confusion with the use of "An open Letter to Parents" (Exhibit 3.1) which clearly defined the variety of methods used to study a child's situation. This letter routinely accompanies the request for permission to evaluate.

EXHIBIT 3.1: AN OPEN LETTER TO PARENTS

THE NATURE OF AN EDUCATIONAL EVALUATION

At one time or another as many as one out of four pupils seems unable to profit from classroom experiences. In an effort to learn more about such situations, a school may call upon the services of a school psychologist, speech/language clinician, special education teachers, or the school nurse. The information which follows may answer some of the questions you have regarding an educational study.

A variety of methods is used to study a situation. These can be briefly described as follows:

1. Classroom observations may be made in order to see how the student gets along with his teacher and other students, how he studies, and what things in the classroom may interfere with or upset his/her learning.

2. Interviews with you, your child, the teacher(s) and others who know your child in school may take place to obtain information about the school problem(s).

3. Academic aptitude tests may be given to obtain information about how well your child figures out school-type problems, remembers new things he/she has just seen or heard, uses language, makes good judgments, figures out why certain things happen, and what kind of good ideas he/she has. These tests are often called "intelligence" tests and can provide one indication of how well your child can master school-type tasks at the time the test is given.

4. Academic achievement tests may be given to find out how well your child has learned basic school skills such as reading, spelling, and arithmetic.

5. A vision and hearing examination will be conducted by the school nurse.

6. Perceptual tests may be given to find out how well your child uses his/her vision and to find out how well coordinated he/she is (for example, in writing, drawing and copying.) To see well does not necessarily mean looking accurately; to hear well does not necessarily mean listening accurately.

7. Tests of communication may be given. In order to understand and be understood in the classroom, a student must use language effectively.

8. Informal methods may be used which require no testing but still give information about your child's likes and dislikes, interest or lack of interest in school, need or lack of need for friends. Such information provides us with questions to ask during conferences with parents, teachers, and others.

After information has been collected, the school personnel attempts to interpret the information that has been gathered. Various plans are then explored in terms of services available in the school and in the community. The information, interpretation, and planning is then presented for examination by both you and the school through conferences.

The results of the total study are usually summarized briefly in a written report. This report is kept in confidential files. If you so desire, a copy of the report can be sent to professionals in the community.

If you have unanswered questions or concerns about the nature of these procedures, please contact your principal.

Another way in which districts stressed the importance of proper notification was through the functions of specific personnel such as parent/child advocates, case managers, compliance monitors. Where the districts had such established liaisons--even if this also happened to be the principal (as in some small, decentralized districts)--there was added guarantee that a partnership, beginning with proper and consistent notification procedures, could emerge between the family and the establishment.

In another example of the sampled districts exceeding the regulations, the Law requires that parents be given a copy of the Individual Education Program "upon request." Most districts, however, routinely gave parents copies of the Plan without a specific request.

The greatest degree of caution was exercised by all of the 50 State Agencies and the local agencies (in the 15 district samples) with regard to parental rights. All of the states indicated that parents were provided information on their rights and on due process proceedings. School personnel observed that parent rights routinely were read aloud and interpreted to parents before they signed a form indicating their full understanding.

Participants

Standard operating procedures from the Federal realm require that a multidisciplinary team participate in the evaluation and placement of a child. The nature of the participants is largely dependent upon the type of case and meeting involved, yet the group must include a representative of the school district, and people knowledgeable about the child, the meaning of the evaluation data, and the placement options. At the Federal level, parental attendance is required at the meeting(s) involving the Individual Education Program. Parental notification concerning any action with respect to the child is required, and consent must be obtained for evaluation and initial placement.

These regulations then are directed toward establishing a school-family partnership in which information is shared and decisions are made jointly. Student participation ("where appropriate," at the Individual Education Program meeting) is less well defined to allow for age and severity differences which may make involvement inappropriate. Parental participation is more clearly specified, while at the same time, it allows for flexibility so that state and local jurisdiction can supplement these guidelines, if necessary.

Across the states, most Plans (more than 75%, see Table 3.1) specified four general types of participants, including a representative of the administration (either the building principal or the director of special education), the child's teacher (either the regular class teacher or the special education teacher), the parents, and "other appropriate personnel" (usually to be identified at the discretion of the parents or school personnel). About half of the states (58%) mentioned the diagnostician or the child as meeting participants; however, very few states identified when it was appropriate for the child to participate, and almost all states required assessment personnel to interpret their test information during the placement determination process. In other words, while the diagnostician and the child were mentioned as meeting participants, their roles and extent of participation were not clear.

Similarly, the role of the parent in the placement process was not fully explained. Almost all states (96%, see Table 3.2) required parental consent for assessment, and all but one-fourth of the states (72%) required consent for placement. However, only 12 percent of the states (see Table 3.3) required the parent to attend the placement meeting. Forty percent recommended parental attendance and specified alternatives, and 26 percent had policies which were not clear. Eleven states (22%) did not mention the role of the parent in placement determination.

This raised two questions regarding parent participation in placement determination. The first was the extent to which consent, which is required, was truly informed consent. Since written consent for assessment and for placement was required by so many states, some form of communication with the parents must occur. If attendance at placement or planning meetings was not ensured, then parent contact would be achieved

TABLE 3.1: PLACEMENT TEAM PARTICIPANTS (State Analysis)

Type		Frequency*
1.	Administration (Specified and Unspecified)	88.0 (n=44)
	Specified Administrators	Frequency*
	• Building Principal	30.0 (n=15)
	• Director of Special Education	44.0 (n=22)
2.	Teacher (Specified and Unspecified)	88.0 (n=44)
	Specified Teachers	Frequency*
	• Regular Education	50.0 (n=25)
	• Special Education	50.0 (n=25)
3.	Diagnostician	58.0 (n=29)
4.	Nurse	32.0 (n=16)
5.	Child, if Appropriate	58.0 (n=29)
6.	Parents	78.0 (n=39)
7.	Social Worker	32.0 (n=16)
8.	Other	88.0 (n=44)
9.	No Participants Specified	8.0 (n= 4)

*Multiple responses were allowed.

TABLE 3.2: PARENTAL CONSENT REQUIREMENTS (State Analysis)

Procedures	Percent Responding			Total % of Row
	Consent Required	Other (e.g. Notification) only	No Mention	
1. Referral	—	12.0 (n= 6)	88.0 (n=44)	100.0 (N=50)
2. Assessments	96.0 (n=48)	4.0 (n= 2)	—	100.0 (N=50)
3. Placement	72.0 (n=36)	18.0 (n= 9)	10.0 (n= 5)	100.0 (N=50)
4. Change In Placement	30.0 (n=15)	32.0 (n=16)	38.0 (n=19)	100.0 (N=50)

TABLE 3.3: PARENT PARTICIPATION AT PLACEMENT MEETINGS (State Analysis)

Attendance Policy	Percent of Total
1. Parent Attendence is Required	12.0 (n= 6)
2. Parent Attendance is Not Required	40.0 (n=20)
3. Attendance Policy is Unclear	26.0 (n=13)
4. Parent is Not Specified as a Placement Team Participant	22.0 (n=11)
TOTAL	100.0 (N=50)

TABLE 3.4: CRITERIA FOR TEAM PARTICIPATION (State Analysis)

Criteria	Frequency*
1. Knowledge of Child	58.0 (n=29)
2. Knowledge of Options	48.0 (n=24)
3. Knowledge of Handicapping Condition Under Consideration	16.0 (n= 8)
4. Other (Meaning of Evaluation Results, Knowledge of Personnel, Same Racial Group)	66.0 (n=33)
5. No Mention	20.0 (n=10)

*Multiple responses were allowed.

through correspondence or a home visitor—neither of which put the parent in direct contact with the placement decision-makers. The second question raised by these figures was the extent of effective parent participation in the decision process. Although all states provided written notification to parents regarding placement meetings, procedural safeguards, and placement decisions, the permissive policies regarding attendance at placement meetings may belie the actual extent of participation. Most states (70%) required that parents be informed of placement options and that the parents receive an explanation of which options were considered and why each was accepted or rejected. Presumably, this provided the parents with an opportunity to review the relevant placement alternatives, as well as the rationale for consideration of each alternative. Again, however, unless such information was provided to the parents by the placement decision-makers themselves, it was difficult to envision the actual extent of contribution effected by such policies concerning the participation of parents.

Only 10 states did not specify any criteria for meeting participants. More than half of the states (see Table 3.4) specified knowledge of the child, knowledge of the placement options being considered and personnel associated with those options, understanding the evaluation results, or personnel of the same ethnic group (if the child was a member of a minority group) as selection criteria for meeting participants. These requirements were not imposed in a restrictive manner so as to limit the number of participants, but rather as a quality control measure to ensure that a broad spectrum of information was present in placement decisions. Although only 32 percent of the states explicitly mentioned an interdisciplinary team for assessment and planning purposes, another 8 percent of the states strongly implied support for this approach, and the remaining states (30) simply did not reference any such composition in the materials which were reviewed. For placement meeting participants, most of the states appeared to have established policies which were inclusive rather than exclusive and which focused on quality control measures that tended to broaden the source of information brought to those meetings.

While most of the policy elements which ensured informed consent were present in almost all state policies, parental attendance policies at placement and planning meetings may pose special problems. Because states may be reluctant to impose required parent attendance at these meetings (indeed, some states may not have the authority to do so even if they desired to), a wide variety of alternatives were suggested. These included letters, telephone interviews, home visitors who represent the schools' recommendations, and local authority for the school to determine and make any placement they deem in the best interests of the child.

As is noted in the Local Education Agency Analysis, some district plans specifically identified participants of the placement committee meetings. These typically included: the student's teacher, special education supervisor, parents, student and, for an initial referral, a member of the evaluation team. Usually there was no mention of the district staff representatives who were required to attend or of how many members of the committee in attendance constituted a quorum. In four of the five states, the parent seemed to be the crucial team member who should be present in order for deliberations to begin. One district limited the number of voting (or decision-making) committee members to no more than seven persons, and stated that others may serve as resource persons only. In another district, the policy regarding participation in placement meetings limited the number of persons the parents were permitted to invite to three individuals.

The average number of participants who attended a placement meeting was six. The four members most frequently present in the 134 meetings were: the school psychologist (69%), the mother (56%), the self-contained special education teacher (48%), and the regular education teacher (43%). In about one-third of the meetings, the principal of the school in which the child was enrolled participated in the deliberations. An important characteristic of those professionals who participated in determining placement was their familiarity with the child. Almost three-fourths of the time the professional participant knew who the child was.

The remaining parts of this discussion focus on the Individual Education Program participants and Parent/Student Participation as revealed specifically in the Local Agency Analysis.

Participants in the Development of the Individual Education Program.

As defined in P.L. 94-142, an individualized education program is a "written statement for each handicapped child developed by a representative of the local educational agency . . ., the teacher, the parents, or guardian of such a child, and whenever appropriate, such child. . . ." It is important to note that the participants in the Individualized Education Program are indicated. The regulations are very clear in requiring that a meeting be held to develop an Individualized Education Program and that particular persons be in attendance.

When more than one professional was involved in Individualized Education Program meetings, there tended to be greater variations in procedures. For some students, one plan incorporating goals and objectives from all the relevant professionals was developed. For others, separate documents were developed by each teacher or therapist working with the child. On the positive side, the procedures showed extensive multidisciplinary teaming, as well as much communication and exchange of information among staff members. When separate plans had been developed, each professional working with the child was familiar with the goals of the other staff members.

When parents were involved, a typical Individualized Education Program meeting consisted of a teacher, a parent, and a third member. The teacher tended to direct the meeting. It was the rare parent who played an active role in drawing up an instructional program for his/her child. When a third member was involved, his/her contribution varied from extensive to minimal. If the child was known or if the individual would, in fact, be working with the child, the third member could be as important as the teacher to the process of developing the Individualized Education Program. If the third person was there solely to meet the requirement of the Law, his/her input tended to be slight or nonexistent.

With regard to the letter and the spirit of the law, it should be obvious that deviations from the Individualized Education Program requirements were quite common. Individualized Education Programs were usually not developed in meetings; they were often developed prior to a meeting by a single individual and presented later. Given the minimal level of parental participation which characterized many meetings, this seems to be an efficient and effective way to produce an Individualized Educational Plan. An Individualized Education Program developed at many of the meetings would have been largely the result of teacher input and direction anyway. In all cases, parents were provided ample opportunity to react to the Individualized Education Program and to change it as they saw fit. In fact, the high rate of attendance by parents at these meetings assure a high level of opportunity for such participation. One state even required home visits by a home-liaison specialist to ensure parent involvement in the development of the Plan. While active parent involvement is the ideal, in many instances the professional educators were forced to operate in full control of the situation--which could certainly change in the future as parents become more knowledgeable about the placement process and the development of components of the Individualized Education Program.

Parent/Student Attendance

There was a high degree of parent attendance at meetings: nearly two-thirds of the 134 meetings observed included parents (62%). These meetings were not confined merely to Individual Education Program development as required by law, but also involved referral meetings, placement meetings, and meetings for annual reviews or reevaluations. Thus, in our sample of meetings observed, the districts had gone well beyond the letter of the law to fulfill the intent to involve parents in the variety of actions concerning their children and to ensure ample opportunity for meaningful participation in the development of their child's education program. Some caution in interpreting this high attendance rate must be exercised, however. The procedures that were followed to gain access to meetings included acquiring parental permission. This was sometimes done just prior to the meeting, as soon as the parent arrived. If no previous permission had been obtained and the parent was not present, then the meeting was not observed. Thus, our procedures for acquiring cases may have artificially inflated the parent attendance rate. Nevertheless, parent attendance was clearly in evidence and not confined to Individual Education Program meetings.

Not surprisingly, more mothers than fathers attended meetings; mothers were involved in more than half of the meetings observed (56%), while fathers attended slightly less than one-fifth of the meetings in the sample (19%). This trend undoubtedly reflects a greater availability to attend meetings on the part of the mothers, many of whom did not work. Special arrangements to accommodate working parents were observed, however, in a few cases. For example, in one case, meetings were held after hours so the father could attend. In another, the meeting was held in the father's place of employment (another school).

Of all meeting participants, the child's mother was the second most frequent attendee observed in our sample. The school psychologist was most often present (92 out of 134 meetings), followed by the child's mother (75 out of 134 meetings), and a self-contained special education teacher (64 out of 134 meetings or 48%). Some degree of variability in attendees most often present was observed across sample sites. For example, in one district, neither the school psychologist nor the parents attended a significant number of meetings. In another district, however, the school psychologist was nearly always in attendance and parents were required to participate. (If the parent did not show up, the meeting was cancelled and rescheduled for another time.) Thus, composition of meeting participants was idiosyncratic to some sites.

Students rarely attended those meetings we observed. Only 19 meetings out of 134 (14%) had a student present, and in only 10 of those meetings did the student remain and participate. In the other nine instances, either the student was present for only part of the meeting or was too young or severely involved to be capable of active participation. As would be expected, those cases in which the student attended the meeting were generally ones in which the child was of junior high or high school age. The age range for students attending the entire meeting was 10 to 20 years, with most falling in the 11-15 range. These cases represented a variety of handicapping conditions, including mental retardation, specific learning disability, and serious emotional disturbance.

It can be concluded that parents generally attend a high number of these meetings and that when parents did attend meetings, they usually came by themselves and only infrequently had someone else with them or substitute for them. However, this finding may be an artifact of our case selection process in that potentially problematic cases could have been screened from our selection. Although students did not attend a large number of the meetings we observed, their inclusion, when this did occur, may indicate a trend in this direction. Student participation was confined to a smattering of cases. For the most part, students did more observing than participating; they spoke up at meetings only when asked, and did not tend to volunteer information. When students were asked their feelings on the proposed placement, they generally tended to indicate approval.

Types and Frequencies of Meetings

The actual name given to a meeting is a concrete aspect of placement; and this is where the greatest variability occurred among all states and the sampled local districts.

Within the state study, the range and variety of these meeting titles, not to mention the broad functional scope they indicate, provided a clue to the ambiguity surrounding the actual placement meeting. Two states did not supply a meeting title; others mentioned several names. Thus, a total of 62 different names of meetings concerned with placement were identified. Fourteen of these contained the word "placement" in them. Another 9 to 10 were nominally associated with evaluation, were tangentially concerned with the ambiguous term "planning." Several meetings (6) were labeled "multidisciplinary," with little else to indicate the function of the conference. Similarly, "child study teams" were listed in seven instances and "staffing teams" in five others. In five cases, the state indicated that the Individualized Education Program Committee was involved in placement. The remaining meeting titles involved "admissions" (4) or other miscellaneous functions such as screening and local surveys (5). Thus, in only rare instances did the title of a meeting clearly indicate that the function to be performed was placement, although the placement meeting itself tended to be a distinctly separate meeting from the Individual Education Program meeting.

Very few states indicated how many meetings or in what order those meetings were to take place. Only two states indicated the number of meetings (in both cases two meetings were mentioned) and only four states indicated that the number of meetings varied. The remaining states made no mention of how many placement meetings were held. It appears that the determining factor in the number of meetings is the case itself. More complex or controversial cases may require several meetings, while others may be completed quickly in one session. This may be the reason that so many states did not address this issue.

With regard to the study of local districts, it was found that the formal name of the placement committee usually varied across states with such labels as Educational Planning and Placement Committee (EPPC), Identification, Placement, Review, and Dismissal Committee (IPRD), Child Study Team, and/or the Individualized Education Program Committee. More informally, meetings were referred to as school-level staffings, central committee, preplacement staffing, or just meetings.

In reviewing the district annual plans, it was difficult to identify a sequence and number of distinct and separate meetings associated with the placement process. Many of the less formal meetings were building-specific and convened at the direction and discretion of the local administrator. They were, therefore, not required across all schools and were not typically included in the form of written policy.

Where formalized meetings operated under centralized authority, whether merely to rubber stamp the building level decision or to settle disagreements in recommendations, the frequency of meetings was the most extensive.

The local district study included observations of several types of placement-related meetings: (1) formal preplacement staffings; (2) placement committee meetings (because with initial referrals, the subject of eligibility was often a part of the committee's deliberations); and (3) Individual Education Program Conferences.

Placement committee meetings were sometimes conducted at as many as three different administrative levels within the school system: at the school building level, the regional office, and at a central (district) committee. That is, several placement meetings had to be convened before final approval of the recommended placement. Parental approval of the placement in such instances paralleled district approval; parents, however, were not involved at each juncture in the process. Once the district was in agreement with the recommended placement it was presented to parents, or once parents had essentially agreed with the placement, the case went through the decision-making process at the district level.

All 15 districts in the sample conducted at least one meeting which focused on the determination of educational placement for the child and/or the development of the Individualized Education Program. Parents were invited to attend at least one meeting of this type. Parents were rarely invited to pre-planning meetings conducted by district personnel. When these meetings were of a formal nature, they typically were convened to discuss a number of cases and/or to share the progress on cases which were within the referral system. In a large district, such staffings included representatives of several disciplines (social work, special education, speech and hearing, occupational and physical therapy); as many as 20-30 different cases would be discussed. Frequently, in these staffings professionals directly involved with a case would begin to informally consider a child's eligibility for special education services or possible placements. In some districts, this type of meeting was held at the building level: it included professional staff assigned to that building and covered cases of students currently attending that particular school.

In at least five sites, district personnel, in an effort to discuss eligibility and placement, held preliminary meetings in the absence of the parents. At times, these preliminary meetings involved a multidisciplinary group of people, but at other times, one or two individuals made the final decisions. It was not unusual to find that the psychologist's recommendation determined whether or not a child was eligible for special educational services. The initial placements were often decided by the placement team chairperson, with the assistance of perhaps the referring or receiving teacher.

School staff members held these meetings: 1) to resolve internal conflicts which might exist among the school personnel; 2) to discuss sensitive issues which may be inappropriate to discuss in the presence of the parents; and 3) to give the staff a sense of unity when they did make formal placement recommendation to the parents. Although parents were given an opportunity to participate in a formal placement meeting held at a later time, there were seldom any changes in the eligibility and placement decisions which had been predetermined. The result was that, in some cases, the group decision-making process advocated in the Law had not been utilized to the fullest extent and the eligibility and placement decisions were frequently made by only one or two individuals.

In summary, preplacement and placement meetings were often conducted at several different administrative levels. Parent involvement was limited to one meeting (typically the placement meeting) and professionals who participated usually included the school psychologist, special education teacher, and regular education teacher. Placement decisions were often made at preliminary staff meetings by one or two individuals; at a formal placement meeting, parents were presented with the school's predetermined recommendation.

The type of case usually influenced, to some extent, the number of meetings held, the staff attending, and the nature of deliberations. Three case factors appeared to have major influence: (1) the severity level; (2) the handicapping condition; and (3) district perception of parent acceptance of the suggested placement (likelihood of parental rejection of the placement recommendation). In addition, the type of referral the case represented (e.g., annual review vs. initial referral) also affected the number of meetings held. Across the 96 cases in our sample, there were slightly fewer than 1.5 meetings per case. Over half of the initial referrals had two meetings per case. Only one of the ten annual review cases had two meetings. Three-fourths of the 35 scheduled reevaluations had only one meeting; however, one reevaluation case had the maximum number of meetings (4).

Agenda

Standard operating procedures regarding the actual conduct of the meeting or the order of presenting information were totally absent from the state's Annual Program Plans. As with types and frequencies of meetings, such specificity was relegated to the districts. The districts participating in the study provided no written details regarding the agenda for meetings; however, a review of district forms which document the meeting did provide some clues to the types of data which must be presented and the decisions which must be made at each kind of meeting. At a minimum, the content of forms defined the general topics which should be discussed. This provided some structure for the person responsible for recording data and could assist in guiding the group.

Procedures for Encouraging Participation

Standard guidelines for encouraging participation were rarely in evidence across all the states. Other than deeming who should participate there was rarely referral as to the how. Most states reiterated the Law by requiring notification to parents of placement within 10 days of the decision and "within a reasonable amount of time" for any other actions. Although most states specified that the team involved in evaluation of a child should be interdisciplinary, few actually labeled this as the placement team (16). More than half of the states indicated procedures to accommodate the parent (such as bilingual services and transportation), while only a third mentioned procedures to encourage parent participation, leaving the details to the local public agencies.

The Local Education Agency Study focused more on recognizing specific standard operating procedures for encouraging participation particularly with regard to the parents and the placement meeting.

Perhaps one of the most notable features of meetings at which parents attended was the effort school staff members made to encourage parent participation. Although parents did not always respond to attempts to promote their involvement, in nearly every meeting, the school staff used a variety of strategies to encourage parent participation. Only 2 meetings out of the 83 involving parents did not include any efforts to facilitate the parent's involvement. In contrast, 98 percent of the meetings observed included attempts by school staff members to encourage parent participation. Approximately two-thirds of these meetings used strategies such as formal welcomes, introductions, requests for parent information, positive reinforcement for parent contributions, and solicitation of parent feelings concerning the proposed placement.

Local school systems, in general, were sensitive to the importance of parent involvement in the process of determining educational placement. For example, when one mother appeared at the district office the day before the meeting (by mistake), the director of special education made special effort to confer with her, knowing that she had come a long way. One district pays for taxi transportation when it is necessary for parents to attend meetings. Another district arranges for parent transportation via a fleet of service vehicles operating under the auspices of the adaptive education center. There were impressive individual accommodations to some parents. One director of special education went to the home to remind the parent of a re-evaluation meeting the next day and made arrangements for someone to bring her to the district office. When one mother did not appear at the re-evaluation meeting involving an 18-year old student, the special education director went to see her personally. One placement meeting was held at the father's place of employment (a school where he taught). One special education supervisor transported a mother from her home to see the child's prospective program and then home again when quite a distance was involved. Although the personal contact was most evident in the smaller districts, these contacts illustrate commitment to the involvement of the parent (very often across the barriers of distance and time).

Similar efforts to encourage student participation also were observed for the cases in our sample. For 12 out of the applicable 14 meetings involving students (86%), student participation was encouraged actively. This was most often accomplished through offering a formal welcome, by soliciting student opinion concerning the proposed placement, and by providing an overview of the purpose of the meeting. However, these attempts to an even greater degree than with parents, were only minimally effective. Most students appeared to be somewhat intimidated by the group and uncomfortable being the center of discussion. Most of the students attending the meetings said little, if anything at all, during the course of the meeting.

One state in particular designates a professional staff member to serve as "child advocate" for each case referred to special education. This individual attends all meetings and serves as the primary link between the school and the parent/child. The advocates facilitated the participation of the parents with the school systems due to the fact that they were specifically dedicated to all aspects of cases, from the inception of the referral, throughout placement, and then to the yearly review.

The idea supporting participation is that all staff members involved have the potential for making contibutions. This was illustrated at one meeting dedicated to the Individual Education Program for a multiply-handicapped child. The procedure was outstanding from most observed, yet routine for this particular school. There was a wide variety of participants, including the mother, the foster mother, and the foster care case worker. They each contributed, as did the special education teacher, the occupational and physical therapist, and the speech therapist, in order to create the Plan for the child. The case worker also volunteered to do a plan of yearly goals with the foster mother. As part of working on the Program, there was a visit to the Occupational/Physical Therapy room to define and illustrate what the child would be doing. Certain equipment also was to be arranged for placement in the child's classroom, and the case worker arranged to acquire some equipment for the foster home. The team worked well together and all suggestions were considered and incorporated into the Program as appropriate. The interaction and the outcome proved the value of acknowledging the potential contributions that the staff and parents can make.

Summary

LRE Policies

- o Corresponding characteristics appeared in both the State and Local Analysis in regard to LRE policies. The references to LRE in placement procedures were largely paraphrases of the Law, with both states and districts not going much beyond reconfirming or concurring with the philosophical intent of state and Federal requirements. LRE alternatives were defined mostly as opportunities for integration with the nonhandicapped or mainstreaming or for education with the nonhandicapped to the extent that it would favor the child, i.e., cause no harm to the child nor disruption to the class receiving the child.

Notification Procedures

- o All states and sampled districts provide written notice to parents concerning placement (placement meetings, procedural safeguards, i.e., due process and rights, placement decisions) with most caution pertaining to parental rights. Also emphasized was consent for placement. Nearly all agencies required consent for evaluation. Consent was rarely referred to with regard to referrals to special education. Twelve out of 15 districts studied exceeded the Law by requiring written consent before any change in placement. Use of specific personnel such as parent/child advocates, case managers, school compliance monitors and home liaison specialists facilitated proper notification.

Participants

- o Among the states, most specified four general types of participants: a representative of the administration, the child's teacher; the parents; and "other personnel as appropriate." However, very few states required the parent to attend the placement meeting, thus raising the question of the actual role the parent was to play, both as a participant in the decision process and as giver of "informed" consent.

- o Selection criteria for meeting participants were designated by more than half the states as those that have: knowledge of the child; knowledge of the placement options being considered and the personnel associated with those options; understanding of the evaluation results; or personnel of the same ethnic group (if the child was a member of a minority). These were presented as quality control measures to ensure that a broad spectrum of information would be presented in the placement decisions.

- o The nature of the participants was largely dependent upon the type of case and meeting, and the composition of meetings was idiosyncratic to some sites.

- Local districts typically involved the student's teacher, special education supervisor, parents, student and, for an initial referral, a member of the evaluation team. The average number of participants who attended placement meetings was six, with four members being most frequently present in the following order: the school psychologist; the mother; the special education teacher and the regular education teacher. Usually the professional participant knew who the child was.
- Procedures regarding the Individualized Education Program indicated extensive multidisciplinary teaming and much communication among staff members. When separate plans were developed, each professional was familiar with the goals of the others who were working with the child.
- There was a high degree of parental attendance at all types of meetings, not merely confined to those of the Individualized Education Program. While given ample opportunity to react, the amount of actual parental participation was limited, with most parents allowing the professional staff to direct the operation. Students who attended meetings fell primarily in the 11-15-year-old range and functioned more as observers rather than participants.

Types and Frequencies of Meetings

- The greatest variability in the area of types and frequencies of meetings occurred among all states and the sampled local districts. Sixty-two different names of meetings concerned with placement were identified from the Annual Program Plans, with only rare instances where the title of the meeting clearly indicated the function to be performed.
- Some districts had formal names for the placement committee, and these were consistent across the state.
- The determining factor in the number of meetings was usually the case itself, with initial referrals and reevaluations for change having the most meetings. An exception to this was in the cases of districts operating under centralized authority where all cases would undergo a "rubber stamping" for approval at the central district office.
- One-third of the districts sampled conducted preliminary meetings in the absence of parents to discuss eligibility and placement.
- All districts in the sample conducted at least one meeting which focused on the determination of educational placement for the child and/or the development of the Individual Education Program. Parents were invited to attend at least one meeting of this type.

Agenda

- With regard to the types and frequencies of meetings, such a level of specificity--the actual conduct of the meeting--was not treated by the Annual Program Plans nor by the district plans.
- In the few meetings observed which had an agenda, it was presented orally.

Procedures for Encouraging Participation

- Standard guidelines for encouraging participation were largely absent across all the states. Except for deeming who should participate, there was rarely evidence as to how. Most states indicated procedures to accommodate the parent (e.g., bilingual services, transportation), yet only a third mentioned procedures to actually encourage parent participation, and they left the details to the local public agencies.
- Local districts left procedures for encouraging participation largely in the hands of the personnel. Staff strategies nearly always appeared during meetings in the form of formal welcomes, introductions, requests for information, positive reinforcement for contributions, and solicitations of feelings about the proposed action. These efforts were extended to both parent and child. Other myriad efforts to involve all potential contributors were found to prevail. When these occurred outside the context of a meeting, it was due to either the personal concern of particular staff members, or to the existence of a particular staff member functioning as a "child advocate" or as a home-liaison specialist.

4

DETERMINATION OF PLACEMENT

This second component for the study was the most crucial. It refers to the actual content of the placement meetings, i.e., the substantive basis for the placement decision. In this chapter, the following areas will be discussed in terms of the roles they played in determining placement: Information shared; Consideration of Placement Options; Criteria Used to Evaluate Options; the Sequence of Steps; and The Relationship of LRE Determination to the Individual Education Program.

Information Shared

In interpreting evaluation data and in making placement decisions, P.L. 94-142 requires each public agency to:

(1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

(2) insure that information obtained from all of these sources is documented and is carefully considered.

The State Annual Program Plans emphasized the evaluation safeguards that should be applied to test assessments. All except one State Agency mentioned safeguards such as: no single test; tests given in native language; non-discriminatory testing; not using solely intelligence tests; and use of tests other than achievement measurements. In addition to "safeguarded" testing, the most often recommended sources of information were adaptive behavior ratings, cumulative records, and teacher reports.

Nearly all states reported that the results of assessments were to be shared with parents, and a majority also provided parents with a list/description of options.

Very few states designated other persons with whom information was to be shared (one state specified the receiving principal and another one mentioned anyone with parental consent). Only four states specified that the receiving teacher should be informed of the assessment results and general recommendations, including the child's strengths and weaknesses. One state indicated that the receiving teacher should have an orientation to facilitate implementation of the Individualized Education Program. This was accomplished through the teacher's participation in writing the educational program, in the staffing, as well as in any prescribed in-service training.

The child was reported as an information recipient by slightly more than one-fourth of the states. This item was generally couched in the terms that the child, at age of majority, was entitled to the same rights to have access to the same information as the parents.

In general, district materials from the Local Education Agency sample detailed little about the types of informational data which must be presented or shared by the placement group. To the extent that the group included an individual who was involved in the evaluation or was knowledgeable about the evaluation results, it could be inferred that evaluation data would be a topic of discussion in the meeting, and therefore, would be considered in determining placement.

The site observations of placement meetings revealed precise images of what was shared and how it was used. This detailed information follows.

Consideration of Input Data

Most often, information-sharing was done in a round-robin fashion, i.e., the chairperson would identify one of the members (apparently at random or in consideration of his/her schedule) to begin the discussion of the case by presenting some assessment data. In turn, each participant would present the information he/she had collected about the child under consideration. Sometimes discussion would occur during this data presentation sequence of the meeting. In many cases, the parent(s) would be asked to contribute information about the child's behavior at home, his/her interaction with siblings, and/or other related areas.

The following is a summarization of findings that reflected both the incidence of the issues mentioned and the extent of discussion:

Usually Discussed (60-100% of meetings):

Major Extent:

- Interpretation of test results
- Classroom achievement
- Social behavior
- Medical facts/needs
- Family history/conditions
- General programming goals/needs

Lesser Extent:

- Program characteristics

Frequently Discussed (30-59% of meetings):

Major Extent:

- Specific programming goals/needs

Lesser Extent:

- Description of previous placements
- Supplementary services used
- Instructional methods tried
- Relating test results to programming
- Physical attributes/needs
- Behavior at home/outside of school
- Family attitude toward handicap
- Staff attributes
- Classmate attributes
- Transportation
- Family attitude toward potential placement

Infrequently Discussed (10-29% of meetings):

Major Extent:

- Survival skills

Lesser Extent:

- Presentation of test results
- Attendance/tardiness of student
- Hobbies and interests
- Family attitude toward present placement

Student attitude toward handicap
Student attitude toward present placement
Availability (of placements)
Cost
Proximity
Student attitude toward potential placement
Stigma
Educational harm to child
Other harm to child
Long-term effects
Recommendation from non-district specialist
Other issues
Child's next evaluation

Rarely Discussed (less than 10% of meetings):

Major Extent:

Structured observation of student
Impact on family

Lesser Extent:

Ranking of student needs
Loss of mobility
Physical harm to others
Physical harm to child
Educational harm to others
Other harm to others

In examining the above listing, it is important to note that, in general, the issues considered most important to programmatically sound placement procedures were also those which were most frequently discussed at the observed meetings. These included the interpretation of test results, individualized student achievement, programming goals and needs, and program characteristics. Many of the elements integral to the concept of LRE were discussed to some extent. However, a few elements, such as proximity, stigma, and harmful effects were not discussed to the degree anticipated.

Use of Test and Assessment Results

P.L. 94-142 mandates a number of requirements concerning use of test results in the planning of programs and placements for handicapped students. Paramount among these are stipulations regarding the nondiscriminatory nature of tests and the multidimensional and disability-specific contexts of testing. To study the implementation of the testing requirements of the Law in the cases that were observed, two separate sources were examined: the case file which included the results of tests that had been administered prior to the placement meeting; and the use (discussion) of testing information during the meetings.

Examination of case files showed that achievement and diagnostic testing were evident in a majority of cases. For the most part, very general achievement instruments (such as the Wide Range Achievement Test or the Peabody Individual Achievement Test) were used widely. There was also fairly frequent use of one receptive language test, the Peabody Picture Vocabulary Test (28% of the cases), and the Bender Visual-Motor Gestalt Test (36% of the cases). Complete, recent psychological evaluations were present in only 69 percent of the examined cases and the most common instruments employed were intelligence tests, such as the Wechsler Intelligence Scale for Children--Revised (51%) and the Revised Stanford Binet (18%).

More crucial to the thrust of this study was the actual use of test information in the placement process. To this end, four assessment-related items were noted during observation of meetings: presentation of test results, interpretation of results, relationship to placement being considered, and structured observations of students.

Presentation of test results occurred in 75 percent of the meetings, but was a major item of discussion in only five cases. Typically, test scores were simply read off quickly as a prelude to discussion of their interpretation. The major exception to this practice usually occurred in initial referrals, where testing had been done for the first time and some description to the parents of the reasoning behind the tests or the psychometric principles involved was necessary.

Interpretation of test results occurred in 73 percent of the meetings and was extensively discussed in 65 percent of the 96 observed cases. It was, therefore, a major component of most of the meetings in the study. Subsequent analysis revealed that the interpretation of test results was most extensively discussed in cases of severe handicaps and initial referrals. A contrasting lesser amount of discussion occurred in cases where the actual placement involved a change in the degree of restrictiveness. In particular, only 3 (out of 14) cases (where the student was transferred to a less restrictive setting), involved an extensive discussion of test results. The relatively small emphasis placed on testing in these cases reflected the team's prior familiarity with the particular cases and its positive attitude toward the student's educational enrichment.

The third component of testing measured during meetings was the degree that assessment results were related to the placement options or decisions. Assessment data were often interpreted, but were less frequently related to the placement process itself. Overall, a direct link between testing and placement was extensively treated on only 27 occasions, and these were related to 26 individual cases (the issue was a major factor during two meetings on one student). In the nine cases that involved a move to a more restrictive environment, this issue was never extensively discussed. Keeping in mind the emphasis on achievement and intelligence testing which was revealed through review of case files, this lack of linkage between assessment results and placement options in cases moving to more restrictive environments may reflect the greater significance of social/behavioral factors and programming needs associated with this type of decision. In contrast, where test results were extensively discussed prior to less restrictive placements, the findings were discussed exclusively as evidence which supported the change.

A fourth component, observation, is typically considered a strongly recommended feature of student evaluation. The field staff noted that results of such observations were shared in only 12 of the 134 meetings, however, and it was rated as an important aspect for consideration in only 5 cases. Two of these cases were specially convened reevaluations of students which resulted in less restrictive placements, and the other three were initial referrals. One of the reevaluations and one of the initial referrals involved severely handicapped students.

Other input data discussed at meetings also were noted during field observations. Of chief interest were discussions concerning medical facts, family history/conditions, and survival skills. The first two areas are of interest because of their relative frequency of occurrence. The latter discussion topic was observed infrequently, but is of interest because, when it did appear, it prompted a good deal of discussion.

A majority of meetings (61%) included a discussion of the child's medical background. However, this issue was discussed extensively in only 57 percent of those meetings (representing 38 individual cases). As would be expected, the largest amount of input of this information occurred in cases of severe handicaps (7 out of 11 cases) and in cases (16 out of 25) of disabilities of physiological etiology (primary or secondary diagnoses of Orthopedically Impaired, Health Impaired, Visually Handicapped, Hard-of-Hearing, and Multiply Handicapped).

Background information on family history and conditions was discussed in 91 of the 134 meetings. Although it involved fewer than half of the cases in our sample, family history was discussed extensively in most of these meetings. These discussions were distributed fairly evenly over different types of cases, including cases where parents participated and those where they did not.

Survival skills included both "self-help" behaviors, such as dressing, eating, and toileting, as well as "self-preservation" abilities, such as environmental sensitivity, ambulation, and awareness of danger. These issues were infrequently discussed (only 38 out of 134 meetings), but when they were, they received considerable attention in half of the occasions (19 meetings). As expected, survival skills were of most concern, and therefore were treated more extensively in cases of severe or physical handicaps (e.g., Hard-of-Hearing, Visually Handicapped, Orthopedically Impaired). For example, concern was expressed in the cases of several severely visually handicapped students about their abilities to move to separate program areas, and this concern contributed, in one case, to a decision to place the student in a self-contained class in a special public school.

Programming Goals

P.L. 94-142 requires the individualized development and implementation of goals and objectives as an integral part of the program plan for all handicapped students. Insofar as many of the observed meetings included Individual Education Plan development, this was an expected component of discussion in the sampled cases.

Of the 134 observed meetings, 115 did include some discussion of general goals, and 67 discussed specific goals or objectives. Statements of general goals typically included: building self-concept; eliminating perseveration; improving reading language development and math achievement; or modifying disruptive classroom behavior. Specific goals and objectives often included strategies for achieving the objective, for example: working on lines and letter formation using sandpaper letters; upgrading ambulation by using knee walking; working on diagraphs; learning to identify silent letters; or learning the use of the dictionary. Extensive discussion occurred for general goals/needs in 67 meetings (representing 58 cases) and for specific goals/needs in 41 meetings (38 cases). Furthermore, the data revealed that the highest occurrence of this type of program planning took place in cases of more severe handicaps and in initial referrals and annual reviews (which usually included a pro forma draft of the Individualized Education Program).

In summary, major discussion areas in placement meetings included interpretation of test results, student-specific information, and general programming goals/needs. Specific provisions for follow-up/monitoring of the implemented placement were seldom in evidence at meetings. Test results were used extensively in placement meetings to provide background information on the student's abilities and needs, but rarely were discussed in relation to proposed placements. Specific goals and objectives tended to be raised more frequently in meetings concerning more severe cases and initial referrals.

Parent/Student Involvement

There were numerous efforts to thoroughly involve parents in the meeting. They did not seem to be the result of any notable district practice, but stemmed from the nature of the personnel. Overwhelmingly, the placement team participants displayed appropriate interaction with and sensitivity to the parent. Translators, videotapes of the child in the classroom, "round-robin" fashion of presenting information, willingness to listen to parents' personal woes and to offer support and suggestions, and requests for parent contribution were frequent team attributes. Presentation of information was adapted to the parents' ability to understand it. One psychologist, in an attempt to assist parents in understanding the implications of the test results, used a bell curve to indicate a bell curve where the student had scored on her IQ tests. When parents were able to comprehend, detailed testing information was presented. At one team meeting, parents received a complete copy of the student's folders. Parents were sometimes given forms at the beginning of the meeting so that they could follow what was being documented by the chairperson. Most districts routinely provided parents with copies of the Individual Education Program whether it was requested or not. During meetings in one particular district, the special education supervisor encouraged the parents and students to create and maintain their own folders. This suggestion was especially important for parents with very young children who were just entering the special education system.

In contrast, other cases clearly showed a general lack of information-sharing. The mother of an 8-year-old learning-disabled child was quite upset for some time because she had thought that her child's placement was for educable mentally retarded students. Obviously, in this case, the nature of the program had not been fully explained to the parent. This example illustrates an instance in which critical information--a child's handicapping condition and the nature of a child's placement--were not shared with the parent. The observers did not feel there was any intention to purposely deceive the parents, yet the absence of such basic information-sharing casts doubts upon the extent to which parent consent is truly informed and on the feasibility of active parent participation in decision-making when basic information about the child is not communicated.

Similarly, more than half of the meetings which parents attended did not include a discussion of available options (58% or 48 out of 83 meetings). The general trend was for the discussion to center on the one recommended option, rather than to present a range of options from which to choose. In those instances when more than one option was discussed, the full continuum was presented in only one meeting; the remaining 34 meetings addressed some, but not all, options.

The principle of LRE involves the consideration (and availability of) a range of options. In actual practice, however, this does not appear to occur, and there are several factors which seem to contribute. The district may not have a continuum from which to choose and, even if a range of options does exist, there may not be openings in the desired placement. Also, the school staff sometimes seemed to feel that it was better not to present an array of options to the parent, since many choices tended to confuse the parent. Most often, parents sincerely did not have sufficient information on various placements to enable them to make a decision. The elaborate presentation of an array of many options may be alarming to the parent, especially if it includes choices at the more restrictive end of a continuum. Finally, parents seemed to feel that the placement was really the school's decision to make anyway, and that they were not qualified to decide. All of these factors, then, seemed to contribute to the general tendency of not presenting options, or of discussing only a few placement possibilities.

When students were involved in meetings, they were treated generally with the same courtesies as the parents. Although students did not attend very many meetings, in half of the meetings which included a student, he/she was informed of available options. As was true in a similar situation with the parents, only some of the options (not all) were discussed. In the nine meetings where students were asked to sign something, an explanation was always given. In two of these cases, the students were of the age of majority and signed consent for placement. In the remaining meetings, the students were simply signing acknowledgements of meeting attendance. On a couple of occasions, special efforts to inform and to help students understand what was going on were observed. For example, a Learning-Disabled student in one junior high school was delicately and sensitively told what the test scores meant, what his condition was, and how it affected his school work. The psychologist took great pains to help the child understand and take responsibility for his own actions. In another case, a 10-year-old mentally retarded child was asked to summarize the meeting to make sure that she understood what had been discussed.

Although students were seldom included in meetings, there was some evidence that special efforts to involve students could be made. Student involvement of any kind was the exception, however. There was a general feeling on the part of the observers that although parents were made aware of their rights, they did not seem to fully comprehend them or their implications. School personnel were, however, careful to explain any forms the parents were to sign. Of the 75 meetings in which parents were asked to sign something (placement form, meeting record, Individual Education Program, etc.), a clear and concise explanation was provided in nearly every instance (93%).

Other Notable Findings

The exchange of information and the decision-making was facilitated in the following ways. Though it did not happen very often, a clear, accurate, even-paced review of educational history, including previous placement, was a potent force in describing the child's background. This initial presentation of information usually set the tone of the meeting. When such a presentation was too rapid or too brief, the team became susceptible to misinterpretations and would have to call for additional clarification throughout the course of the meeting. Most well-performed reviews of educational history occurred in meetings regarding reevaluations for change or where placement was an issue. More synthesized pictures were presented when the psychologist was able to relate his findings with other diagnosticians on the team—comparing and contrasting—rather than allowing psychological data to stand alone. Information exchange was facilitated by tangibles. Having folders and documents in addition to other important information, e.g., copies of reports or a videotape of the child's classroom behavior, assisted in equal access for all team members to the data available. For example, at an initial placement, a pre-school consultant gave the mother a developmental guide. In an annual review meeting of a seriously emotionally disturbed kindergarten student, the teacher presented a tape recording of a "reading" of a pretend story to show the progress of the child who rarely spoke. Finally, information-sharing and decision-making were most effective when the present and potential receiving teachers were together on the team.

Consideration of Placement Options

Several factors were investigated with regard to the states' approaches to placement options. The types and manner in which the states reported placement options (on the LRE table required in the Annual Plan) were reviewed, as well as definitions of options, state guidance in the order in which options should be considered, the extent and manner in which states advocated regular placement and the provision of a continuum, and considerations as to whether or not states mentioned the concept of a continuum within an option.

A wide variety of options and ways of reporting those options was found among states. Most states defined each of their options in the continuum; for many states, this entailed making finer discriminations between services than had been suggested by the LRE table in the Annual Program Plan. Strong preference for options at the less restrictive end of the continuum was found for a number of states. Many of these also provided suggestions for the order in which the array of options should be considered. The states also indicated strong support for the continuum of services concept and required assurances from their districts that a continuum was being provided at the local level. Interagency agreements also were encouraged to help expand options. In Table 4.1, the use of placement options across all the states is presented.

As revealed in the analysis of local agency practices, all 15 districts indicated that a continuum of alternative placements did exist within the district. The models in use included itinerant, resource room, self-contained, and residential placements. Some districts described in writing each of the special education and related service programs available within the district. In one of these program

TABLE 4.1 USE OF PLACEMENT OPTIONS (State Analysis)

Frequency* of Reported Grouped Data	Placement Options Used In States	Frequency* of Reported Specific Data
54.0 (n=27)	Regular Class - Indirect	36.0 (n=18)
	Regular Class - Direct	40.0 (n=20)
	Regular Class - Resource Room	40.0 (n=20)
54.0 (n=27)	Self - Contained - Part Time	40.0 (n=20)
	Self - Contained - Full Time/ Regular School	44.0 (n=22)
	Self - Contained - Full Time/ Special School	42.0 (n=21)
48.0 (n=24)	Private Day School	38.0 (n=19)
	Public Residential	44.0 (n=22)
	Private Residential	32.0 (n=13)
50.0 (n=25)	Hospital	36.0 (n=18)
	Home Bound	42.0 (n=21)
	Cascade System	2.0 (n= 1)
	Extended Diagnostic Placement	6.0 (n= 3)
	Other (Group Homes, Reverse Mainstreaming, Voc/Adult Educ.)	22.0 (n=11)

*Multiple responses were allowed.

descriptions the criteria for enrollment were specified: "the student must be able to work at the 50 percent production level or above." Usually private facilities within the district were not included in descriptions of available alternative placements. This may be an indication that such private placements are not routinely considered in placement deliberations.

As seen on the continuum, the emphasis on less restrictive placements in both the State and Local District Education Agency Analysis also was substantiated by the findings in the Legal Analysis. In the cases where parents were appealing for a more restrictive placement (which was in 100 of the 121 cases reviewed), which was also most frequently a private placement, they won in slightly more than a third of the cases. On the other hand, where the parents wanted a less restrictive placement, usually public school placements, they won in two-thirds of the cases. These figures indicate that the parents lose many more cases on appeal than they win, largely because of local and state resistance to more restrictive placements and, in particular, to private school placements which comprised almost all of the more restrictive placements desired by parents. On the other hand, one area where parents are particularly successful in winning appeals is where they are seeking less restrictive placements for children.

As found in the Local Agency Study, typically, the placement team gave serious consideration to only one option before making a placement recommendation/decision. When two or more options were considered, the discussion normally centered around disputes over labels (e.g., Trainable vs. Educable Mentally Retarded), or disagreements over the amount of time to be spent in special education (i.e., Resource Room vs. Self-Contained).

Although a placement was usually found for a student in an existing program within the district, lack of options and openings did appear to have an indirect effect on decision-making, that is, those placement opportunities that did not exist or were already filled often seemed to be automatically eliminated from consideration. Thus, the placement deliberations which we observed were generally confined to discussing known and available options. Unfamiliarity with district and private resources limited the consideration of a variety of placement options which could have been appropriate. Often team members had a "mental menu" of options which had slots or spaces available from which to choose. In other cases, however, the fact that programs or classes were full was discussed openly in the placement meetings. Field staff confirmed that in several other cases the lack of available openings was a determining factor in placement selection.

There were instances in which districts made special efforts to overcome the constraints of limited placement opportunities. In one case, a district considered establishing a transition class for students who were transferring from Trainable to Educable Mentally Handicapped classes, and for students who were borderline Trainable/Educable Mentally Handicapped. In another district, a private speech and hearing consultant was hired to work with one child who had a severe hearing impairment.

In summary, for nearly every case observed, the districts were able to provide some sort of service to the students. Although these programs were not always selected from a range of possibilities, thus limiting the precision with which the most appropriate placement could be chosen, the districts appeared to be making a genuine and conscientious effort to serve the students as best they could.

Most districts did offer some continuum of alternative placements, as described in the Rules and Regulations. In ten districts, however, due to insufficient openings in the placement alternatives, observers questioned the adequacy of the continuum. At times, children had to be transported because there were not enough openings in programs close to home. In another case, a child was placed in a less than appropriate class (Educable Mentally Handicapped) because transportation could not be provided to the program which the placement team believed to be the most appropriate placement—a Trainable Mentally Handicapped class. In one state, the special education programs were limited to Learning Disabled, Emotionally Disturbed, and Mentally Retarded classes; the continuum was regarded as the amount of time spent in any one of these three classes.

The most commonly considered placements were Regular and Resource Room (39 cases), Self-contained Classroom on a Regular Campus (26 cases), Self-contained and Regular Classrooms (13 cases), and Self-contained in a Special Public School (8 cases). Districts tended to consider placements which were "safer" from a legal perspective and less likely to cause problems with parents or Federal and state monitoring efforts; that is, if children were placed in resource rooms and self-contained classes on the campus of a regular education facility, it would seem less likely for districts to be found noncompliant with the LRE provision of P.L. 94-142 or to receive parent complaints of children being segregated from the mainstream.

In the few cases where multiple options were considered, the placement alternative most frequently discussed was the self-contained classroom in a regular public school. In contrast, very few cases which recommended regular classroom and resource room instruction discussed other placement options. Scheduled reevaluations and those for change in placement were more likely to consider multiple placement alternatives than were initial referrals and annual reviews.

Criteria to Evaluate Options

Evaluations of options, as seen in the State Annual Program Plans, district policies, and actual practices, as seen in placement meetings, involved three major interrelated factors: the child's needs, contextual factors (such as availability, parent or school preference), and the key elements of the LRE mandate.

States' Criteria for Determining Placement

The Annual Program Plans were reviewed for any guidance the state might give in the criteria to be used in determining a child's placement, other considerations (such as prohibited criteria, weighted criteria, and decision rules), and interaction with nonhandicapped peers.

The most frequently mentioned consideration in determining a child's placement was LRE (see Table 4.2); more than half of the states (27) indicated that restrictiveness should be taken into account when deciding among options. Proximity and the needs of the child also were mentioned frequently. Slightly less than half of the states referred to the Individualized Education Program (24) as a determinant in evaluating options. Other factors to be taken into consideration included that the placement would have no harmful effects (23) and that the quality of services would not be reduced (21).

Other, less frequently mentioned criteria to evaluate options which are not shown on Table 4.2, included handicapping condition, appropriateness, age, availability, transportation, parents' preference, extracurricular opportunities, and adaptive behavior.

Very few states offered criteria to be used in determining LRE (37 states did not mention this area). Of those that did, the "quality of services," "the lack of harmful effects," and the "most appropriate environment" were mentioned most often (10). (These three criteria were all included under the category of "other.") "Time in the mainstream" was cited by 8 percent of the states, and 4 percent also indicated "proximity" as a determinant of LRE. One state suggested that the LRE was the environment with the fewest limitations, and another noted that it was the most normal environment.

States also could provide guidance in determining placement by prohibiting criteria from consideration. Nearly one-fourth of the states specified criteria which were not allowed to enter into the placement decision. Most mentioned that availability of options was prohibited from affecting the placement decision. Other prohibited criteria included transportation and cost. Several states put restrictions on the allowable age ranges of children in the same class. Other states cautioned that children with incompatible handicapping conditions (e.g., severely emotionally disturbed and spastic cerebral palsy) should not be placed in the same program. National origin, linguistic or cultural differences were mentioned as prohibited criteria for determining placement in one other state.

TABLE 4.2 EVALUATION OF OPTIONS (State Analysis)

Criteria Mentioned	Frequency*
1. LRE	54.0 (n=27)
2. Proximity	50.0 (n=25)
3. No Harmful Effects	46.0 (n=23)
4. Quality of Services	42.0 (n=21)
5. Child's Needs[1/]	50.0 (n=25)
6. IEP	48.0 (n=24)

[1/] For the most part child's needs were unspecified or vague (n-19). Those states that did specify needs listed educational needs (n=7), medical needs (n=3), social needs (n=1), and emotional needs (n=1).

*Multiple responses were allowed.

Weighing of alternate criteria (i.e., which is more important) was reported by seven states. These states usually indicated that proximity was an overriding consideration unless the Education Program required some other arrangement. One state gave weighted criteria in the form of priority admittance to its Diagnostic Resource Center.

Decision rules concerning placement were found for 13 states. In general, the states gave guidance by the type of placement under consideration or by the type of handicapping condition. Decision rules based on the type of placement generally took the form of ordering the sequence in which more restrictive options should be considered. For example:

- "No child shall be placed in a residential school unless there is no appropriate non-residential school available."
- "Placement in private programs is the third alternative of choice, only after the public schools or government agencies of the State cannot provide... If private programs are inadequate, then out-of-State placement may be approved."
- "When a residential educational program is indicated ...state-operated programs, when available, should be given first consideration; however the district shall recommend...the agency which is most appropriate to the individual situation."

When decision rules governed by the handicapping condition were given, these usually indicated guidelines for placement of the more severe conditions:

- "The more profoundly handicapped shall be referred to special day schools and residential facilities. TMR students must be in self-contained programs...(it is the) only legal model due to the severity."
- "No mentally retarded student can be excluded from a special education class, unless:
  - enrollment is at the maximum amount
  - the child's intellectual ability, age, or behavior pattern is not compatible with the class as determined by the Superintendent of Public Instruction with help from medical, psychological, or psychiatric advice."
- "Children who meet the above criteria (multiple handicap - profound, with mental retardation and impairments in gross motor, hearing and blind) are not eligible for placement in a resource room."

One state indicated blanket provisions for movement to less restrictive environments: "Tutorial aid (should) be provided when the student moves from an isolated setting into the mainstream of the regular setting. This recommendation affects all students regardless of handicapping condition."

The extent to which states emphasized interaction with nonhandicapped children was another area of investigation (see Table 4.3). Slightly more than three-fourths of the states addressed this issue, although many of the states were vague about where this interaction should take place and for what types of activities. Twenty states did not mention locations of any sort, and 19 States did not specify activities. When states did provide more details, interaction in the school building and in classes was mentioned most often. The type of activities specified most frequently included: academic, extracurricular, and lunch/recess/assembly.

As we have seen, through a variety of means, many states provided guidance in placement determination. LRE was mentioned most often as a criterion to evaluate options; proximity and the child's needs also were reported frequently. Several states also provided guidance in the form of prohibited criteria (availability, transportation, cost), weighted criteria (proximity unless the Individual Plan indicates another arrangement), and decision rules (given by type of placement or handicapping condition). Although interaction with nonhandicapped persons was frequently mentioned by the states, the location or activity involved generally was not specified.

State's Criteria Specifically Applied to LRE

As has been evident from the findings discussed so far, very little specific information concerning LRE was expressed in the Annual Program Plans. Where LRE was addressed, either mainstreaming or normalization appeared to be predominant. The distinction would seem to be between a

TABLE 4.3 INTERACTION WITH NONHANDICAPPED (State Analysis)

Interaction	Percent of Total
1. Not Mentioned	22.0 (n=11)
2. Mentioned	78.0 (n=39)
Location	Frequency*
• In Class	24.0 (n=12)
• In Building	34.0 (n=17)
• Off Campus	4.0 (n= 2)
• Not Mentioned	40.0 (n=20)
Activity	Frequency*
• Academic	24.0 (n=12)
• Extra Curricular	24.0 (n=12)
• Lunch, Recess, Assembly	16.0 (n= 8)
• Other	22.0 (n=11)
• Not Mentioned	38.0 (n=19)
TOTAL	100.0 (N=50)

*Multiple responses were allowed.

strict interpretation ("LRE is placement in the regular class") or a broader view ("the result of the process of considering all possible educational alternatives to meet the Individualized Education Program and selecting the educational setting with the most interaction with nonhandicapped students"). To the extent that state-expressed concerns surrounding placement were indicative of trends in this area, the shift appeared to be moving toward a more comprehensive and individualized approach to LRE. Regular class placement may not, de facto, be the least restrictive alternative. For example, one state indicated concern over the lack of understanding of the thrust toward LRE and the impression that all handicapped students must be returned full-time to general education. Similarly, another state pointed out that regular class placement could be as restrictive "to a child's freedom to learn as would inappropriate assignment to some special program."

States were concerned that the application of LRE may have had the effect of concentrating attention on placement options and sheer physical proximity, rather than on the total environment and individual needs of the child. To counteract this, one state recommended that the concept of LRE be expanded to include "provisions for strategic integration in which the handicapped person is confronted with coping problems and guided in solving them." Another suggestion was to broaden LRE beyond service patterns to encompass teacher styles (i.e., more creative versus more restrictive). Another state indicated concern that "placement (with normal children would) overshadow the need for a child to have appropriate specialized education and services." Similarly, a state urged going beyond the emphasis on specific types of programs (e.g., self-contained, resource room) to "applying the principle of normalization to each learning experience."

The fact that steps are being taken to expand upon LRE in its application was evident from some State Plans. For instance, one state rejected standard placement criteria in lieu of individually determined, and continually fluctuating placement needs:

> The level at which a handicapped child receives the necessary services is dependent upon the level at which the child study (IPRD) team feels the individual can function. No arbitrary cut off lines should be determined in advance as to the kinds of problems which will be served at which levels as most placements can be considered as only a step in a process due to the fact that the handicapped student should be continually moving toward the mainstream and his or her least restrictive alternative.

Another state widened the integration goal to include interaction with children and adults who are less handicapped and nonhandicapped.

Detailed procedures to accompany reintegration, whenever this was called for, was developed by one state in particular. First, the special education teacher visits the reintegration site and helps structure the program. There is a review by the placement committee and, if the provisions seem adequate, change in placement is approved. The special education teacher then talks with the receiving teacher and duplicates the environment of the receiving classroom to accommodate the student. The receiving teacher visits the special education classroom and observes the child. Lastly, the teacher meets with the parents to ensure that they are fully informed. Reintegration should occur toward the end of the week, not on a Monday or following a holiday. On reintegration day, a representative of the placement committee visits the receiving teacher. Thus, this state has moved beyond the sheer concept of physical presence in a regular classroom to a comprehensive approach to the child's needs and growth.

The concept of least restrictive environment embraces the most normal educational setting possible. To the extent that the normal educational process is interfered with, the setting has become more restrictive.[1/] "Mainstreaming," on the other hand, involves the concept of returning a handicapped child to the normal or regular education process. The implication is that the student is a "special student," still under the

---

[1/] Developing Criteria for the Evaluation of Least Restrictive Environment Provision, DHEW, BEH, 1978, p. 7.

auspices of the special education staff, and is only returned to regular education to the extent that special education permits it. The distinction between LRE and mainstreaming is subtle and perhaps focuses more on the conscious and complex choice of least restrictiveness compared with the more simple decision to "mainstream in nonacademic or other appropriate areas." Because of this subtle distinction, confusion frequently occurs, both theoretically and in application.

There was some evidence that state policies reflected this confusion. Table IV in the Annual Program Plans for reporting the incidence rates for least restrictive environments was often modified by states in order to better reflect their own particular range of placement options. Sometimes these were categorical or handicap-specific, and often only category totals were reported (regular class, self-contained, etc.).

Table 4.4 shows the distribution of state plans which specified a criterion for determining LRE and the associated definitions for LRE. While more than half of the states did not define LRE in their Program Plan, 24 percent simply defined LRE as "mainstreaming," even though they applied a variety of criteria to determine LRE.

The 1979 Annual Report to Congress on the Implementation of P.L. 94-142 expressed some concern over this confusion of LRE and "mainstreaming" (p. 40). From this review of state policies, it appears that state level confusion, as reflected in written policies, may, in part, be a source of this confusion. While it is doubtful that the clear lack of a definition for LRE at the State level would contribute to the confusion, it is more probable that a precise and straightforward definition would at least assist substantially in clarifying the distinction between the two and in ameliorating the extent of the problem to some degree.

Cases Appealed and LRE

The Legal Analysis revealed that the LRE requirement was discussed in less than half of the cases in which it was ordered--32 of 75. It was

TABLE 4.4 DEFINITION OF LRE BY CRITERIA TO DETERMINE LRE (State Analysis)

Criteria	Definition % of Time In Mainstream	Normalization	Mainstreaming	Most Appropriate Placement	Other	No Definition
1. % of time in Mainstream	___	___	6.0 (n= 3)	___	2.0 (n= 1)	2.0 (n= 1)
2. Fewest Limitations	___	2.0 (n= 1)	___	___	___	___
3. Normalization	___	___	___	___	___	2.0 (n= 1)
4. Proximity	___	___	4.0 (n= 2)	___	2.0	___
5. Other	___	2.0 (n= 1)	12.0 (n= 6)	___	10.0 (n= 5)	2.0 (n= 1)
6. No Mention	2.0 (n= 1)	4.0 (n= 2)	10.0 (n= 5)	8.0 (n= 4)	2.0 (n= 1)	56.0 (n=26)
CRITERIA TOTALS[1]	2.0 (N= 1)	8.0 (N= 4)	32.0 (N=18)	8.0 (N= 4)	16.0 (N= 8)	62.0 (N=31)
STATE TOTALS	2.0 (N= 1)	8.0 (N= 4)	24.0 (N=12)	8.0 (N= 4)	12.0 (N= 6)	60.0 (N=30)

[1] Criteria totals do not equal State totals because multiple responses were allowed for each state.

discussed even less where the more restrictive placement was ordered--8 of 46 cases. These figures indicate that, with one or two exceptions, the nine states whose decisions had been examined, viewed the LRE requirement as an unimportant or unessential factor to be expressed in the placement decisions. Nevertheless, the less restrictive placement actually was ordered in a substantial majority of the cases sampled--75 of 121. Thus, although the LRE requirement is not an important explicit factor in the decisions, it may be an important implicit factor. The clear preference expressed for public school placements over private school placements, however, is only partly a function of the LRE requirement, with financial costs of private placements being a key factor.

District Criteria as Revealed in Placement Team Meetings

For each total option and component part of an option (e.g., "resource room" is one component of the total placement option, "regular plus resource room"), the issues considered in evaluating that placement were recorded. Because some cases considered more than one option, and because many placement alternatives had at least two component parts, a total of 223 occasions when criteria could be raised in determining placement were noted. The major issues concerning placement which were discussed on these occasions were:

- student academic needs (86%)
- test results (78%)
- performance in present placement (77%)
- student's social/behavioral needs (76%)
- school system preference (74%)
- handicapping condition (72%)
- family preference (51%)
- program characteristics (50%)

The relative importance of these separate issues was generally constant over different case characteristics and types of placement ultimately selected. The only topics which varied to any measurable degree in their importance were handicapping condition, school system preference, and family preference. All of these increased in occurrence with the relative restrictiveness of the placement being discussed. For example, in consideration of the option of regular education (alone or in conjunction with resource room, services to teacher, etc.), the above three criteria were considered in the following percentage of meetings (n=52 out of 134):

handicapping condition	51%
school system preference	64%
family preference	43%

In contrast, for meetings that considered the option of self-contained and regular classrooms (n=15), the percentages increased:

handicapping condition	80%
school system preference	93%
family preference	93%

In summary, a number of factors (criteria) were typically important in evaluating the appropriateness of placement options. These were, for the most part, the eight items listed above. Among them, three increased in importance in relationship to the restrictiveness of the options that were being considered. The level of restrictiveness *per se* was not an important issue and was discussed in only a small number of cases.

Parent/Student Input

Family preference was one of the more frequent considerations when evaluating options. In more than half of the options considered for possible placement, family preference was one of the criteria discussed. During the placement process, then, it is apparent that the family's preferences (or at least perceived preferences) were taken into account. Out of 35 possible criteria which could be considered, family preference ranked seventh in frequency. It was preceded only by student's academic needs, test results, performance in present placement, student's social/behavioral needs, school system preference, and handicapping condition.

It is interesting to note that school system preference was more often considered in determining placement rather than family preference. In nearly three-fourths of the options considered, school system preference was a factor (74%), as compared to only half for family preference (51%). There may be several reasons for this. First, the lower frequency of family preference may reflect the lower attendance rate of parents (although cases were observed when the parents were absent) yet their preferences (or perceived preferences) were relayed by some school staff members for them. Second, parents often indicated they had no preference, thus leaving it up to the school to decide. Finally, the higher occurence of school system preference may reflect the schools' feeling that they are responsible for recommending placement and that, if parents do not object, this becomes the final decision.

Other criteria relating to the family were less often considered when determining placement. Student preference, family/home conditions, and the impact on the family were infrequently raised when evaluating options. Given the relatively few occasions in which the various options were discussed with students and considering the young ages of the students in our sample, the infrequent occurrence of student preference is not surprising. The impact of placement on the family was probably not often a factor when evaluating options because most of the placements in our sample cases were not radical changes; i.e., we would expect the impact on the family to be considered most often when discussing institutionalization or de-institutionalization. These types of placement, however, were rarely observed during our data collection.

Although family/home condition was not usually considered as a criterion by which to evaluate options, it was a frequent topic of general discussion at the meetings observed. The discussions of family history/conditions generally encompassed areas such as the marital history of parents and the number and ages of siblings. This area ranked fifth of all content areas in frequency of discussion at meetings. In more than two-thirds of the meetings in our sample, family history was a topic of discussion and was preceded in frequency only by the child's social behavior, general programming goals/needs, interpretation of test results, and classroom achievement.

Sequence of Steps

According to P.L. 94-142 "... each handicapped child's educational placement shall be ... based on his/her individualized education program." Fifty-six percent of the State Plans specified, or at least mentioned, a sequence of steps to be followed in referring, assessing, planning, and determining placement. These sequences varied substantially in detail and scope, but most addressed the length of time which should elapse between referral and placement and incorporated the various notification/due process procedures for parents. The sequence within which the Individualized Education Program, general goals, and specific objectives were developed relative to the placement decision, however, was not a specific focus of this document review. Because the contextual sequence was not routinely searched for in the Annual Plans of each state, the findings must be regarded as incomplete. However, the fact that a sequence was found in over half of the FY '78 state plans, indicates the presence of policies which structure and order the decision-making process.

Although over half of the state plans referred to a sequence of steps, not all of them specified when the Individualized Program or various elements of the Individualized Program were to be developed. In addition, other elements of the Annual Program Plans tended to cause confusion. In trying to determine the participants for the placement meeting, for example, references to as many as three or four meetings could be found, each with a list of recommended or required participants (for the Educational Program meeting, for an assessment team meeting, for a case study team meeting, etc.). It often was not clear, however, where the actual placement decision itself was made.

In several states, the Individualized Education Program meeting was listed specifically in the sequence of decision-making, indicating when in this process general goals were developed and when specific objectives were determined. Because these meeting participants were discussed in different sections of the Annual Program Plans and because the placement decision process was not always fully explicated in the documents which were reviewed, it was difficult to determine where the Individualized Education Program occurred relative to the placement decision in most states. BEH has expressed some concern over this issue, as reflected in the 1979 Report to Congress which identified a range of practices with respect to Individualized Education Program development, short- and long-range goals, and the placement decision.

Some states have approached this problem by separating Individualized Program development into two distinct phases (short-term and long-term objectives) or by conceptualizing the process into a long-term developmental activity which essentially begins upon referral and assessment and continues as long as the child is receiving services. Examples of the sequence of meetings and decisions are presented in Exhibits 4.1 and 4.2 which illustrate the somewhat inexact treatment of Individualized Education Program development with respect to LRE placement determination. Additional information of a more precise nature became available as a result of the field study of LRE placement practices.

Traditionally, the Individualized Education Program is considered as being directly related to the placement decision--both in sequence and in time. As discovered in the local district study, the Individualized Education Program was essentially seen as the process and product of efforts to define short-term instructional objectives--generally developed by the teacher, not by assessment personnel. Although the Law appears somewhat ambiguous as to which should occur first (defining educational needs and then trying to match those with an appropriate placement or vice versa), the findings for the district study sample were quite definite with regard to the actual sequence in practice.

One of the strongest findings to emerge from the observations of initial placement and reevaluation meetings was that the Individualized Education Program was always developed after the placement decision was made. Not once in all of the cases observed was the order transposed. "After" was not an equal time interval from case to case. In some cases, the Individualized Education Program was developed at the same meeting where the placement decision was made. In other cases, a placement decision was made, the child was placed and, after the new teacher got to know the child, the teacher developed an Individualized Education Program. In other cases, a placement for the Fall was being decided, and there was no intention of developing an Individualized Education Program for these children until the following September.[1] In certain annual

---

[1] This was due primarily to the March-to-May timing of the observations.

EXHIBIT 4.1: STATE A

EXAMPLE OF SEQUENCE OF MEETINGS AND DECISIONS

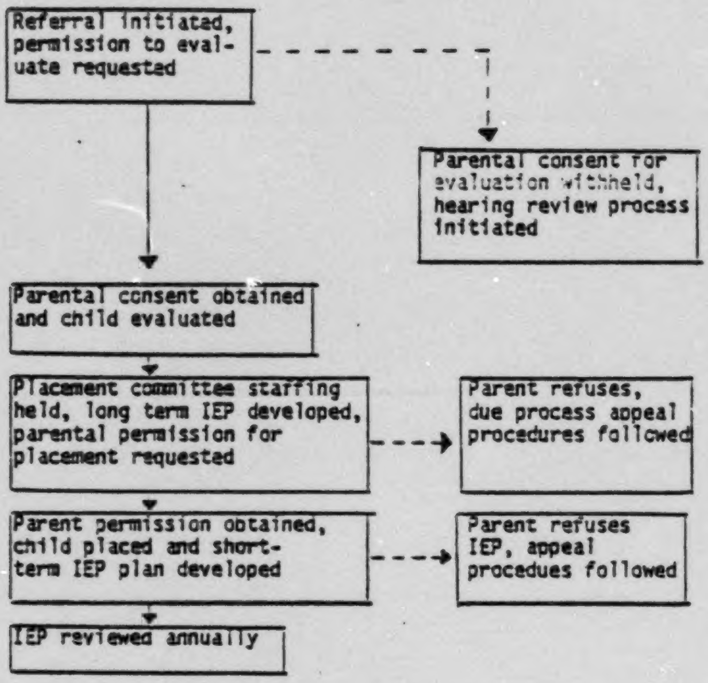
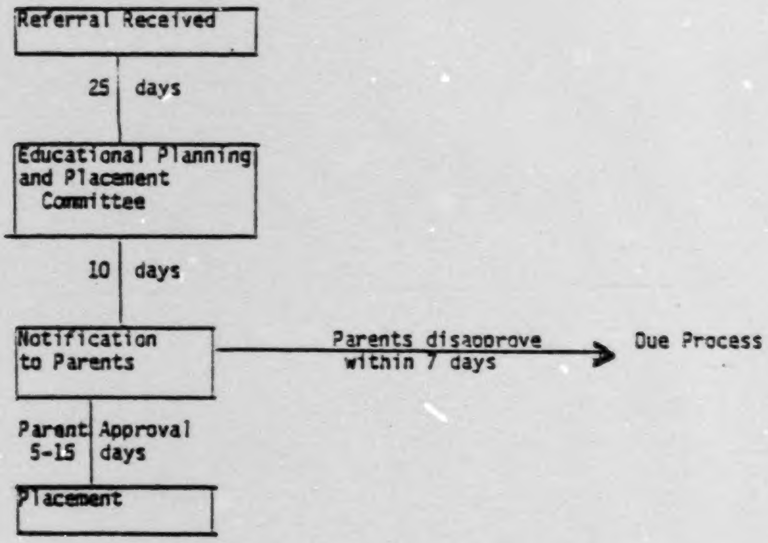

Referral initiated, permission to evaluate requested
Parental consent for evaluation withheld, hearing review process initiated
Parental consent obtained and child evaluated
Placement committee staffing held, long term IEP developed, parental permission for placement requested
Parent refuses, due process appeal procedures followed
Parent permission obtained, child placed and short-term IEP plan developed
Parent refuses IEP, appeal procedues followed
IEP reviewed annually

EXHIBIT 4.2: STATE B

EXAMPLE OF SEQUENCE OF MEETINGS AND DECISIONS


Referral Received
25 days
Educational Planning and Placement Committee
10 days
Notification to Parents
Parents disapprove within 7 days
Due Process
Parent Approval 5-15 days
Placement

reviews, the sequence of the decision-making was slightly different. In some of these review cases, the Individualized Education Program was used as the document on which placement deliberations were based. The Individualized Education Program then was revised to meet the student's needs, and next year's programming decisions were incorporated on the revised documents. Generally, the timing of Individualized Education Program development seemed to be a matter of district policy. For example, if one case in the district had a separate Individualized Education Program meeting, all cases in that district followed suit. The number of meetings also seemed to depend somewhat on whether the case was an initial referral or one which was new to the district. The less familiar the student was with the special education staff, the more difficult it was to develop an Individualized Education Program. More time with the student might be required.

The variation among districts in the time lapse between steps was related to other variations in practice. Logically, the receiving teacher cannot be involved with the development of the Individualized Education Program until the child's placement is decided (until placement, the receiving teacher is "technically" unknown). Therefore, to have the receiving teacher involved, a two-meeting sequence can be used or the placement can be decided informally prior to the meeting, and the teacher can be invited. A situation which facilitates one meeting for both placement and for the Individualized Education Program is the review meeting for a student already receiving special education services and for whom little or no change is contemplated. In such cases, the teacher is totally familiar with the student and can easily direct the development of the Individualized Education Program.

Another issue related to Individualized Education Program development is precisely what constitutes an Individualized Education Program. While the components of the Individualized Education Program clearly are listed in the law, these are not always developed by the same people at the same meeting. A psychologist might supply the present level of functioning, the team chairperson, and annual goals; the student's teacher may add short-term instructional objectives. These components may not even be on the same piece of paper; they may just be somewhere in the file. When this occurs, it is impossible to pinpoint exactly where or when the Individualized Education Program is developed.

One accepted usage of the term "Individualized Education Program" (and the way it is used here) emphasizes the short-term instructional objectives. Informal discussions with district staff suggested that they too perceived the Individualized Education Program this way; however, on paper, and in official labelling practices, the Individualized Education Program term acquired many different usages. Many meetings were formally labeled as Individualized Education Program meetings, yet they were primarily concerned with placement issues. In one of the districts, various parts of the meeting were identified as being required by state or by Federal law. The part of the meeting required by "Federal law" was called the Individualized Education Program meeting. It went up to, but did not include, instructional objectives. In another district, the entire packet of paper generated through the referral and placement process was called the Individualized Education Program. Labels did not help much, however, because one district's "Individualized Education Program meeting" was another's "staffing." The fact that a meeting was called an "Individualized Education Program meeting" did not necessarily mean all the components of the Individualized Education Program would be forthcoming. Overall, 16 of the 134 (12%) meetings observed were called "Individualized Education Program meetings." Of the 16, 12 came from 2 states.

One possible reason why the districts have extended the use of the term "Individualized Education Program" is because there is some confusion over just what the law requires with regard to the components and the time requirements for the Individualized Education Program. Some districts, for instance (as in the case of the states), seemed somewhat unsure about the timing of Individualized Education Program development. The easiest solution then was to "cover all bases" and include everything under the Individualized Education Program umbrella.

The sequential relationship of the placement decision and Individualized Education Program development seems to be so universally adopted that its logic must be considered. As mentioned above, the child's needs were considered throughout the process. Although the needs on which the placement decision was based were often not recorded (on the Individualized Education Program or elsewhere); they were, in fact, individually considered for each student.

The length of time between the placement decision and the Individualized Education Program also seemed to be guided by a logic sensitive to the individual situation. While the districts may have hedged a bit on the time requirements of the Law, this generally was prompted by the need to develop a more informed educational program for the student. Observed practices suggested that districts feel that, for the most part, the receiving teacher is the individual best suited to direct the specification of instructional objectives. The preferred situation is to have that process grounded in first-hand knowledge of the child, whenever possible.

Criteria Discussed Relating Directly to LRE

We examined the role which the following key elements of LRE, as outlined by P.L. 94-142 regulations, played in placement: interaction with nonhandicapped children, proximity, harmful effects, quality of services, continuum of placements, individually determined placement based on need, and severity. While the term "LRE" itself was not frequently articulated, many of these elements which comprise the concept were, in fact, discussed.

ELEMENTS OF "LRE": Interaction with Nonhandicapped Children

There are several key elements of the "LRE" concept; one is the guiding principle of providing opportunities for handicapped children to interact with nonhandicapped children. Three issues focusing on this element have been identified by this study: 1) the extent to which such opportunities are explicitly discussed in placement meetings; 2) the extent to which provision is made in the placement decision for such opportunities to actually be provided; and 3) the extent to which such interaction and integration goals are, in fact, implemented and functional.

As previously suggested, the expectation that handicapped children should be placed in a setting which best allows them opportunities to interact with nonhandicapped children appears to be implicit in the placement team decision. The implicit nature of the decision is further underscored by the infrequent number of overt references or discussion of such opportunities during the placement meetings which were observed. Only 30 percent of the meetings actually discussed the provision of opportunities to interact with nonhandicapped children, while 78 percent of the cases were actually placed in a setting with such opportunities. The lack of overt discussion of these opportunities contrasted with the large number of placements which specifically allowed for the interaction of handicapped and nonhandicapped children; this reflects the implicit and assumed nature of such placement goals. Table 4.5 presents the distribution of cases for whom opportunities for interaction were discussed, compared with actual placement opportunities for interaction with nonhandicapped children.

TABLE 4.5: DISCUSSION OF OPPORTUNITIES TO INTERACT WITH NONHANDICAPPED

		Placements Interaction with NH		
		Yes	No	Total
Discussion of Opportunities for Interaction with NH	Yes	n=32	n=1	34.0% (n=33)
	No	n=42	n=21	66.0% (n=63)
	TOTAL	78.0% (n=74)	22.0% (n=22)	100.0% (n=96)

These interaction opportunities are illustrated by the general placement approach adopted by a small rural district in which four special education teachers had gradually converted their self-contained classrooms into functioning resource rooms. In these classes, few children remained all day and most children spent only brief, but highly focused, periods in the special class. Similarly, a larger urban district verbalized an administrative commitment to "mainstreaming" and, although the procedures were rarely discussed in formal meetings, the district made conscious efforts to place all children in settings with nonhandicapped children. The only exceptions to this philosophy were institutional placements, over which the district did not have final control.

All districts in which meetings were observed subscribed to a philosophy for ensuring that the handicapped child had opportunities to interact with nonhandicapped children. Although these districts did not always have written policies to that effect, and although the placement meetings did not often specifically discuss such opportunities, all districts, nevertheless, did actually provide for such placements and all districts did appear to adopt an affirmative philosophy with respect to ensuring such placement opportunities. The general approach to this principle appeared to be one of "mainstreaming" the child, i.e., returning the handicapped child to regular education settings for as much as was determined to be feasible, rather than selecting the "least restrictive" placement (i.e., only including the handicapped child in special education to the extent deemed appropriate).

While the distinction may be subtle in its nature, it is critical in its substance because it illustrates that once the handicapped child is formally determined to be eligible for, and included in, special education, it is then the responsibility of special education, not regular education, to ensure interaction opportunities with nonhandicapped children. As previously indicated, special education personnel responsible for the placement decision seem to have accepted this responsibility as an implicit element in the placement decision. The problem arises because the decisions regarding opportunities to interact with nonhandicapped children are made at a very broad level. These decisions tend to be limited to regular class participation for some academic activities, non-academic classes, lunch, etc. These decisions tend not to be at an operational or implementation level--i.e., while the placement team can make a decision providing for regular class placement for art, music, lunch, and recess, there is virtually no discussion of the operational elements necessary to really ensure social integration of the handicapped child. Even in meetings to develop Individualized Education Programs, the implementation aspects of interaction with nonhandicapped children were not discussed.

The net result of such generic decisions is that "opportunities" are made available in a very general sense; however, usually there is no real effort to facilitate the integration of the child. For example, in one medium-sized urban district, the team decided to place a 2nd grade handicapped child in a self-contained class housed in a building with overflow 6th grade regular education students. Generally, this placement fulfilled the opportunity for interaction with nonhandicapped children. Operationally, however, the decision did not address how the two age levels could be socially or academically integrated. Furthermore, in developing the Individualized Education Program for this child, no discussion was held regarding how best to ensure participation in extracurricular activities with other (nonhandicapped) children, or how to ensure inclusion during recess or lunch. What typically happens in these settings is that the handicapped child does not attend lunch with a homeroom class comprised primarily of nonhandicapped children; rather, the handicapped child attends with the special education class and is only proximal to nonhandicapped children--but certainly not socially integrated.

In summary, although there were relatively few written policies concerning interaction opportunities with nonhandicapped children and although placement meetings rarely discussed the topic, there was nevertheless clear evidence that all of the districts in our sample adhered to the philosophy of providing such opportunities. This was reflected both in the number of generic placement decisions which actually allowed for such opportunities and also in the general approaches and commitment to this concept. Furthermore, it appeared that while special education staff have accepted the responsibility for such placement decisions, those decisions and the program planning related to the decisions have failed to proceed beyond the generic level. There was little evidence of operationalizing the actual implementation of such integration.

ELEMENTS OF "LRE": Proximity, Harmful Effects, Quality of Services, Continuum of Placements, and Individually Determined Placement

These other elements of the LRE concept were addressed in part through items which allowed observers to indicate whether these topics were discussed during the meeting and to rank (on a scale of 0 to 3) the extent of discussion that occurred. Table 4.6 presents the frequency with which key topics were discussed and the average rankings for the extent of discussion for those cases in which LRE and "mainstreaming" were mentioned. The table also presents, for comparison purposes, the frequency and average ranking for the study sample as a whole.

For the overall study sample, four key topics were discussed in more than half of the meetings, and the average rating for the extent of discussion exceeded the arithmetic mean of 1.5. Classroom Achievement was discussed in 72 percent of the meetings, with a mean rating for extent of discussion of 2.0. For Social Behavior the frequency was 88 percent and the rating was 2.3. Behavior at Home and Program Characteristics were discussed in 57 percent and 68 percent of the meetings, respectively. The extent of discussion was 1.6 for Behavior at Home and 1.7 for Program Characteristics. In contrast, Other Harm to Child and Educational Harm to Child were mentioned in only one-fourth of the meetings, and the discussion on these was minimal. Similarly, Proximity and Stigma were infrequently mentioned, again with minimal discussion.

The table presents the information for those cases in which "mainstreaming" was mentioned. The figures are generally consistent with those figures for the study as a whole. However, where the frequency of discussion of Supplementary Services and Program Characteristics for those case in which LRE was mentioned were reduced, compared with the study sample as a whole, the frequency of occurrence is increased for those cases where "mainstreaming" was mentioned. The frequency with which Supplementary Services was mentioned was 57 percent for the latter, compared with 23 percent for meetings mentioning "LRE" and 37 percent for the study as a whole. For Program Characteristics the frequency was 87 percent, compared with 46 percent for LRE cases and 68 percent for the study sample as a whole. Two other important differences are shown. The

TABLE 4.6: DISTRIBUTION OF TOPICS DISCUSSED IN PLACEMENT MEETINGS FOR THOSE CASES IN WHICH "LRE" AND "MAINSTREAMING" WERE MENTIONED

	Supplementary Services	Classroom Achievement	Social Behavior	Behavior at Home	Program Characteristics	Attributes of Staff	Attributes of Classmates	Proximity	Stigma	Educational Harm to Others	Educational Harm to Child	Other Harm to Others	Other Harm to Child
Percent of Meetings In Which LRE Was Discussed (N=19)	23 (n=4)	92 (n=18)	100 (n=19)	54 (n=10)	46 (n=9)	31 (n=6)	38 (n=7)	23 (n=4)	23 (n=4)	-	38 (n=7)	16 (n=3)	38 (n=7)
Mean Ranking For Extent of Discussion	1.7	1.8	2.4	1.0	2.0	1.0	1.4	1.7	1.0	-	1.0	1.0	1.0
Percent of Meetings Where Mainstreaming Was Discussed (N=26)	57 (n=15)	96 (n=25)	100 (n=16)	60 (n=16)	87 (n=23)	35 (n=9)	52 (n=14)	26 (n=7)	12 (n=3)	-	26 (n=7)	-	57 (n=15)
Mean Ranking For Extent of Discussion	1.2	2.2	2.6	1.6	1.3	1.0	1.4	1.2	1.0	-	1.0	-	1.0
Percent of Total Meetings In Which LRE Was Discussed (N=134)	37 (n=49)	72 (n=97)	88 (n=118)	57 (n=77)	68 (n=91)	34 (n=46)	41 (n=55)	17 (n=23)	11 (n=15)	3 (n=4)	25 (n=34)	1 (n=1)	27 (n=36)
Mean Ranking For Extent of Discussion (All Cases)	1.4	2.0	2.3	1.6	1.7	1.1	1.3	1.2	1.1	1.0	1.1	1.0	1.3

frequency of discussion concerning Other Harm to Child, while somewhat higher for "LRE" meetings (38%) compared to the study sample as a whole (27%), was substantially higher for those cases where "mainstreaming" was mentioned (57%).

For all cases, Classroom Achievement and Social Behavior were discussed at virtually every meeting and appeared to be the most discussed topics. Overall, the findings suggest that academic and social needs of the individual child comprise the largest part of a meeting, and that as "mainstreaming" is discussed more specifically, four other discussion topics begin to emerge: Supplementary Services, Program Characteristics, Other Harm to Child, and Proximity. The increased frequency of discussion for Supplementary Services and Program Characteristics may reflect some form of consideration of the continuum of placements available. For example, in one district the Title I teacher always participated in placement meetings in order to document the current (or past) efforts to maintain a child in supplementary services. The information then was used to either extend the supplementary services or to verify that, in fact, the supplementary services were not meeting the needs of the child, and a more restrictive setting was required.

A second way in which these elements of LRE were examined was by rating the extent to which they (in conjunction with other items) were factors used in determining placement. Table 4.7 presents the rank order of the frequency of occurence for all items used as criteria in determining placement. The Social and Behavorial Needs of the student ranked fourth overall, followed by Program Characteristics, Restrictiveness, and Classmate Attributes as eighth, ninth, and tenth. Proximity and Educational Harm to child were about in the middle, ranking thirteenth and sixteenth, respectively. The frequency with which these items were used in determining placement indicates that, when various options were discussed, such items as the social and behavorial needs of the child, program characteristics, restrictiveness, attributes of classmates, proximity, and educational harm to child were crucial in differentiating options.

TABLE 4.7: FACTORS DISCUSSED IN CONSIDERING OPTIONS

Criteria	Total Times Considered	Manner of Consideration Percent of Options (N=223)1/ Argued for: Positive Factor	Argued against: Negative Factor	Considered: Neither Positive nor Negative	No argument whether Positive or Negative
Student Academic Needs	88 (n=194)	71 (n=159)	7 (n=15)	4 (n=10)	4 (n=10)
Test results	78 (n=174)	64 (n=142)	3 (n=7)	7 (n=15)	4 (n=10)
Performance in Present Placement	77 (n=173	65 (n=144)	5 (n=12)	2 (n=[illegible])	5 (n=12)
Student's social/behavioral needs	75 (n=171)	52 (n=117)	7 (n=16)	9 (n=21)	8 (n=17)
School System Preference	74 (n=164)	61 (n=135)	5 (n=11)	4 (n=8)	4 (n=10)
Handicapping Condition	72 (n=181)	52 (n=125)	5 (n=[illegible]2)	8 (n=18)	3 (n=6)
Family Preference	51 (n=115)	32 (n=71)	6 (n=14)	12 (n=27)	1 (n=3)
Program Characteristics	50 (n=112)	43 (n=97)	4 (n=8)	0 (n=1)	3 (n=6)
Restrictiveness	28 (n=66)	22 (n=50)	5 (n=12)	0 (n=1)	1 (n=3)
Classmate Attributes	27 (n=60)	21 (n=46)	2 (n=5)	3 (n=6)	1 (n=3)
Performance in Past Placements	25 (n=56)	20 (n=44)	1 (n=3)	3 (n=7)	1 (n=3)
Student's Physical Needs/ Attributes	24 (n=54)	14 (n=32)	1 (n=3)	9 (n=19)	0 (n=0)
Proximity to Student's Home	20 (n=43)	12 (n=26)	4 (n=9)	4 (n=8)	0 (n=0)
Student Preference	18 (n=41)	10 (n=23)	2 (n=4)	4 (n=10)	2 (n=4)
Family/Home Condition	15 (n=35)	10 (n=23)	4 (n=9)	1 (n=3)	0 (n=0)
Educational Harm to Child	14 (n=30)	9 (n=20)	3 (n=6)	0 (n=0)	2 (n=4)
Long Term Effects	13 (n=30)	10 (n=23)	3 (n=6)	0 (n=1)	0 (n=0)
Availability of Aids	11 (n=25)	9 (n=19)	2 (n=5)	0 (n=1)	0 (n=0)
Stigma	9 (n=20)	4 (n=10)	2 (n=4)	2 (n=4)	1 (n=2)
Non-existence of Placements in District	8 (n=19)	6 (n=13)	1 (n=2)	1 (n=2)	0 (n=0)
Cost	5 (n=12)	3 (n=6)	1 (n=2)	1 (n=2)	0 (n=1)
Recommendation from Non-district Specialist	4 (n=11)	4 (n=10)	0 (n=0)	0 (n=1)	0 (n=0)
Physical Harm to Child	4 (n=9)	4 (n=8)	0 (n=0)	0 (n=1)	0 (n=0)
Impact on Family	4 (n=9)	3 (n=6)	0 (n=2)	1 (n=1)	0 (n=0)
Educational Harm to Others	2 (n=5)	2 (n=5)	0 (n=0)	0 (n=0)	0 (n=0)
Physical Harm to Others	2 (n=5)	1 (n=3)	0 (n=1)	0 (n=0)	0 (n=1)
Non-existence of Placements Outside of District	2 (n=5)	1 (n=2)	0 (n=1)	1 (n=2)	0 (n=0)
Other	1 (n=2)	1 (n=2)	0 (n=0)	0 (n=0)	0 (n=0)

[1/] Observers recorded criteria discussed for each portion of an option as well as the option as a whole. For example, if a regular + resource placement was being considered observer recorded criteria discussed for the regular class component, the resource room component and the combination placement of regular plus resources.

Thus, it appears that most of the key elements of the LRE concept were generally manifested in placement meetings, and that, as the specific discussion focused on "mainstreaming" per se, these topics became increasingly important. This may simply reflect the artifical interchange of the terms "LRE" and "mainstreaming," and the fact that mainstreaming is the more common and better known term, and thus more likely to be used in these situations. Of all the elements encompassed by the concept of LRE, the social and behaviorial needs of the child were most often discussed and used in determining placement.

ELEMENTS OF "LRE": Restrictiveness and Severity

The selection of cases for the study emphasized those with multiple-agency involvement and greater severity. For this reason, the study sample overrepresents the most severe and complex cases for which placement was determined. In fact, 13 percent of the study cases were selected because they were severely handicapped and 8 percent because they were classified as blind, deaf or seriously emotionally disturbed--a much higher rate of these handicap categories than would be expected through random selection.

Overall, considerations of the restrictiveness of a placement appeared to be determined by the severity of the handicapping condition and by the deficiency in the skills of the child.

Relationship of LRE Determination to the Individualized Education Program Meeting

The Individualized Education Program-placement relationship is addressed indirectly in several places in the regulations. The main thrust is that the Individualized Education Program should be developed prior to a placement decision. Each handicapped student's placement is to be "based on his or her individualized education program" (see Section 121a. 552(a)(1)). If the decision is to be based on the program, then an educational program must be drawn up before a decision can be reached. Furthermore, alternative placements must be "available to the extent necessary to implement the individualized education program for each handicapped child" (see Section 121a. 552(b)). Again, the implication is that the Individualized Education Program precedes the placement decision. On the other hand, as discussed above, the Individualized Education Program must include an indication of the amount of time the student is to be in regular classes--implying that placement is known before the Individualized Education Program is completed.

Neither an LRE policy statement nor a definition of LRE appeared to explain differences in state guidance concerning placement. Little information concerning the relationship between the Program and placement in LRE was found. It was frequently not possible to discern whether placement was done before, after, or at the same time as the Individual Program. The states usually preferred to allow local determination in this matter.

The state laws and regulations for the five states in the district study are in many respects similar, and often identical to, Federal requirements related to the Individualized Education Program. The states did occasionally go beyond the Federal regulations with additional or more specific requirements for Individualized Education Program development. Due to the great variability in procedures, it is difficult to compare one district to another. For some districts, written administrative guidelines were nonexistent; for others, they existed, but were so vague that a multitude of procedures would fall easily within their bounds.

The determination of the LRE and the formulation of the Program are somewhat paradoxically related. One of the LRE rules is that the child's placement be based on the Program; yet, as seen from the previous discussions, the actual Programs could logically only be developed after the placement decision--after the LRE had been determined.

The purpose of requiring that the child's special education placement be based on an Individualized Education Program is to insure that the child's needs are considered in the placement process. However, in reaching a placement decision, the placement team tends to consider the child's needs globally, rather than in a precise, written fashion (such as is recommended by Individualized Education Program procedures).

Furthermore, placement-related needs also are not always programming needs. A child may need help with addition and subtraction, but this does not point to any particular placement. "Needs more attention," "needs a smaller class," "needs to be around children of her ability level" are needs that narrow the range of what is an appropriate educational setting for this child. They are the kinds of needs considered in reaching a placement decision and they are often the underlying rationale for the decision. Interestingly enough, these kinds of needs do not often occur on Individualized Education Programs because they already have been met by placing the child in an appropriate setting.

The LRE requirements are also interdependent with the Individual Education Program. The idea that children be educated to the maximum extent appropriate with children who are not handicapped was incorporated into the Program as the amount of time a child was to spend in regular class or in mainstreamed activities. "That the placement be determined at least annually" is a principle which adheres to the requirements that the Program be reviewed at least annually and revised, if necessary.

The LRE decision and the Program are also deftly intertwined, since one determines the other to an extent that they become one and the same in function--to provide the needed services in the most appropriate setting.

Summary

Information Shared

- The State Annual Program Plans emphasized the evaluation safeguards that should be applied to test assesments and that results of assessments be shared with parents. Few states designated other persons as specific receivers of information. District materials (from the 15 districts sampled) noted more about the group that should be involved--i.e., individuals knowledgeable about evaluation results--so it followed that the evaluation data would be a topic of discussion at the meeting.
- The issues considered most important to programmatically sound placement procedures were also those most frequently discussed at the observed meeting (e.g., classroom achievement, social behavior, general programming goals and needs). Interpretation of test results weighed most heavily in cases of the more severely handicapped and in the initial referrals.

- Efforts abounded to share infomation with parents in the meetings and were not seen as a result of any notable district practice, but as a result of the nature of the personnel involved.

- Most meetings attended by the parents did not include a presentation of a range of options, but rather, centered on a discussion of one or two recommended options.

Consideration of Options

- A great many states indicated a strong preference for regular class placement and indicated that this environment should be considered first when determining placement. Most states specifically advocated the provision of a continuum and required assurances from their districts that a wide range of options was being provided. A wide range of options was not presented for discussion at the placement meetings. When multiple options were discussed, the cases involved were scheduled reevaluations or reevaluations for change in placement.

- In terms of the continuum, other "less restrictive" options were emphasized and were chosen when placement in private school was an issue.

Criteria to Evaluate Options

- The most frequently mentioned consideration with regard to the criteria to evaluate options by the states was LRE, yet very few states offered criteria to be used in determining LRE (such as quality of services, no harmful effects, most appropriate environment).

- Several states also provided guidance in the form of prohibited criteria (availability, transportation, costs), weighted criteria (proximity), and decision rules (by type of placement or handicapping condition). Although interaction with the nonhandicapped was mentioned frequently, the circumstances were generally not identified.

- In the observed placement meetings, the criteria used to evaluate placement options were highly reflective of intent to meet students needs.

- Though the states and districts revealed various conceptualizations of LRE, the key elements of the general concepts—interaction with nonhandicapped, proximity, harmful effects, quality of services, continuum of placement, restrictiveness, and severity—were frequently employed in placement decisions.

- In the cases appealed at the administrative level, LRE was discussed in less than half of the cases in which it was ordered, and even less where more restrictive placements were ordered. Thus, although the LRE requirement was not an important explicit factor in the decisions, it may be an important implicit factor.

Sequence of Steps

- States showed considered differences in the way placement steps were divided, defined, and timed. For example, assessment may be counted from the time the child begins testing or from the time all results are tabulated. Some states may give time spans for initial placement, while others may provide for only the placement meeting. Thus, determining how long the placement process can take was often obscured by highly variable and incompatible reporting approaches among states. Procedures for placement varied from taking 90 days, at maximum, to 25, at minimum.

- The relationship between the Individualized Education Program and placement was often unclear in the state guidelines. Many states appeared to imply that the placement decision was made during the Individual Education Program meeting. Some indicated that the Program was developed first and then placement was determined; others reversed this sequence. A third group of states gave no clear indication of when the actual placement decision should occur.

- In actual practice, as observed in the placement team meetings, the Individual Education Program was developed after the placement decision was made. Sometimes the Program was developed at the same meeting at which the decision was made. In those cases, generally, the long-term goals were formulated with the more specific ones later devised by the receiving special education teachers.

Relationship of LRE Determination to the Individualized Education Program

- Neither an LRE policy statement nor a definition of LRE appeared to explain the variations in state guidance concerning placement.

- The implications in the Rules and Regulations is that the actual placement in the LRE be based upon Individualized Education Program. Yet the Program, which involves the creation of specific programing goals, most logically developed by the receiving teacher rather than by the assessment team, could only intrinsically succeed once the placement in the LRE had been determined.

- Although the needs on which the placement decision was based were often not recorded (on the Individualized Education Program), they were, in fact, individually considered for each student.

- The LRE decision and the Program are deftly interwined, as one determines the other and they merge to become the process to provide the needed services in the most appropriate setting.

5

ANCILLARY ACTIVITIES

The third major study component, Ancillary Activities, refers to those supplementary activities related to placement decision-making which have been provided by the state and/or local education agencies. Examples of ancillary activities include the provision of in-service training for special education and regular education staff members, and the implementation of procedures for monitoring progress toward full LRE application. Because of the more extensive findings on the local level, there is more elaboration when the focus is upon the local agency.

Revelations from State Education Agencies

The State Analysis described procedures in the training and monitoring of placement decision-making.

Many states indicated that they provided, or were going to provide, training in LRE (43). It was difficult to determine, however, whether or not this training was selected as a result of needs assessments. Some indication that a needs assessment was conducted--and indicated LRE as a priority topic—was found for nearly one-third of the states. The remaining states either did not mention any needs assessments (14) or alluded to one, but failed to indicate LRE as a concern (14).

Nearly all of the states (45) reported some form of periodic review of their local districts, with this review usually conducted on an annual basis (22). Other forms of monitoring reported by the states included financial audits when a local agency applies for funds. Placement and LRE were often specified as a focus of state monitoring activities (41). In addition, states also looked into assessment data used (27), the available options (24), evaluation procedures (22), and documentation (22).

With direct regard to LRE, few states indicated that their districts should conduct an evaluation of placement to determine if the LRE mandate had been met. (This category did not refer to simply an annual evaluation of each child. To be coded as present, the state had to specify that LRE was a focus.) Thirty-nine states made no mention of this activity; two others alluded to it, but were not specific enough to warrant inclusion; the remaining nine states indicated some district assessment of the placement decision with regard to LRE. In one state, the districts were monitored to ensure that they evaluated their decisions by determining if the student could benefit from a less restrictive environment. In another state, the districts must review the LRE of each placement; to assist in this, the Individual Education Program must show what other alternatives were considered in planning. Another state required an evaluation of LRE for out-of-district placement.

Most states used a combination of on-site visits and written reviews to conduct their monitoring (42). Few corrective actions resulting from state monitoring were mentioned, although two states mentioned expanding placement options and one state indicated that the quality of services needed to be improved. Several methods to assist districts in correcting any problems were mentioned, primarily training and technical assistance (27) and added funding (7).

The states, therefore, indicated considerable training and monitoring efforts in the area of placement and LRE, though they did not stress their placements in terms of LRE. A combination of on-site visits and written reviews was most often used by the states when monitoring. Training, technical assistance, and additional funding were frequently noted as ways to correct deficiencies identified in the course of monitoring.

Revelations from Local Education Agencies

Within the five states participating in the study of the local districts, three states offered some training and technical assistance in the area of placement decision-making, although LRE was not a specific focus of these activities. Several states also indicated conducting training in the development of Individualized Education Programs--an area often requested by the districts. All five states monitored local school district implementation of Federal and state laws governing the education of handicapped children. Monitoring generally served not only to assess compliance, but also to identify areas needing improvement.

In all states, monitoring involved site visits to review paper documentation of the referral, identification, and placement process. Typically, if areas of noncompliance were identified, a letter was sent to the district specifying them. The district was then required to respond as to how these issues would be remedied and would attempt to make assurances that the measures would be implemented. The monitoring process served more to clarify written policies than to alter local practices. One district in particular though, developed a system facilitating both the district's and corresponding state monitoring activities. There is a "Compliance Coordinator" whose sole function is that of quality control and whose duties involved:

1. review of each case with regard to eligibility criteria and compliance with state and Federal regulations;
2. assurance that all reports were present and in order;
3. notification to parent or adult student;
4. confirmation on arrangements for related services and provisions for transportation.

The "Compliance Coordinator" remains concerned that the procedures are in order and does not look at the placement per se.

Local district activities varied in terms of how much, if any, training, technical assistance, and/or monitoring was provided by the special education departments to the special and general education staffs in the local schools. Much of the past assistance had focused primarily on how to achieve compliance with the Individualized Education Program provisions of the Law. Little training was offered in the placement decision-making process itself or in the application of LRE in determining educational placements for handicapped students. An exception to this was one district which had developed a comprehensive in-service training package for special and regular educators and parents in the group decision-making process. This was applied for each case as it came up for action.

An illustration of a particularly outstanding practice for training and establishing ongoing teaming was found in one large school district. The special education department organized 30 hours of in-service training workshops for selected teachers to enable them to establish an effective "Core Team" in their schools. The school administrator participates by releasing certain teachers for the 30 hours of training, supporting the team process by meeting regularly with the team, assisting in scheduling a time for team meetings, and building support for the team among the school faculty. The teachers receive in-service education "credits" for certification renewal, and the special education department provides follow-up consultation and classroom assistance. Exhibit 5.1 demonstrates this concept of the "Core Team" and indicates its purposes and functions.

Ancillary Activities and LRE

None of the districts sampled in this study designed, implemented, or participated in training activities specific to the LRE provision of P.L. 94-142. Although most school personnel mentioned workshops on training sessions when elements of the LRE concept were briefly discussed, there were no reported instances of training and technical assistance activities occurring in relationship to LRE.

Similarly, there was no evidence that local professional associations or advocacy groups were sensitive to, or interested in, the LRE provision. In fact, in the only case which was observed in which a parent advocate (from the legal aid society) participated, the major area

EXHIBIT 5.1: CORE TEAM

WHAT IS A CORE TEAM?

A Core Team is a group of special educators, regular teachers, and administrators who work together to reevaluate the educational objectives for students who are having learning difficulties. After pinpointing the learning problems, the Core Team involves parents and, when possible, the student in the development of an individualized educational program (IEP). The Core Team recommends the most effective teaching strategies, materials, and classroom management techniques which are needed to provide students an appropriate education in the least restrictive environment. The Core Team also utilizes the services of school psychologists and other support personnel as needed.

WHY HAVE A CORE TEAM?

In addition to meeting the requirements of PL 94-142, the Core Team establishes a team process for planning instruction to provide an appropriate education to students with handicaps or other learning difficulties. The Core Team training also enhances a teacher's diagnostic-prescriptive teaching skills.

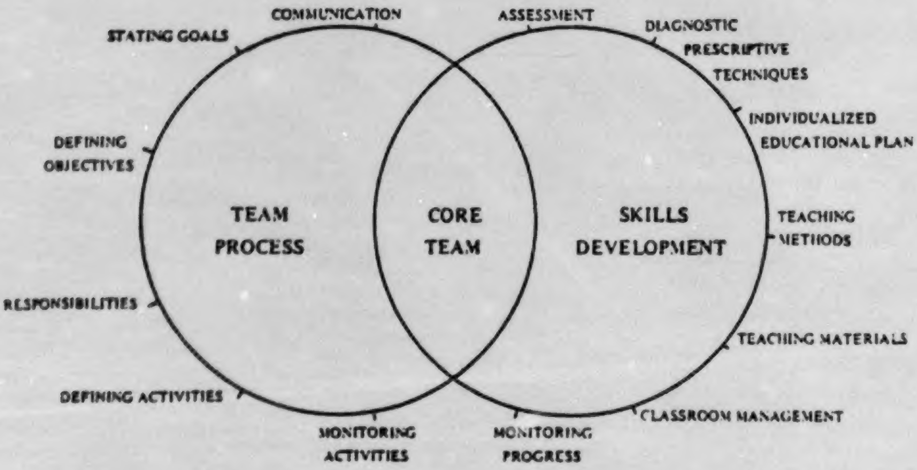

STATING GOALS
COMMUNICATION
ASSESSMENT
DIAGNOSTIC PRESCRIPTIVE TECHNIQUES
INDIVIDUALIZED EDUCATIONAL PLAN
DEFINING OBJECTIVES
TEAM PROCESS
CORE TEAM
SKILLS DEVELOPMENT
TEACHING METHODS
RESPONSIBILITIES
TEACHING MATERIALS
DEFINING ACTIVITIES
CLASSROOM MANAGEMENT
MONITORING ACTIVITIES
MONITORING PROGRESS

EXHIBIT 5.1: (Continued)

WHAT TYPE OF TRAINING DOES THE DISTRICT CORE TEAM PROVIDE?

The thirty hours of inservice training is designed to refine teaching skills and develop a team process for working together.

Teaching Skills

Skills that are emphasized include training in the following areas:

- *Use of the diagnostic-prescriptive teaching process to plan instruction through:
  - –Assessment of students' educational needs
  - –Individualizing instruction
- *Classroom management techniques
- *Implementation of the IEP in special education and/or regular classes
- *Teaching strategies and materials appropriate for students with handicaps
- *Monitoring of student progress

Team Process

Each team learns to do the following:

- *Develop a delivery system to provide appropriate educational services for students
- *Identify and utilize the Team's individual and collective strengths
- *Share responsibility and plan together to meet individual needs
- *Monitor the Team's effectiveness
- *Respond to the consultation and training needs of other teachers

of discussion was the inappropriateness of services in a less restrictive environment. The placement outcome, which was supported by the parent and advocate, was a more restrictive, state-operated day school. The discussion at the meeting emphasized only the potential harmful effect on the quality of services implied by the less restrictive setting.

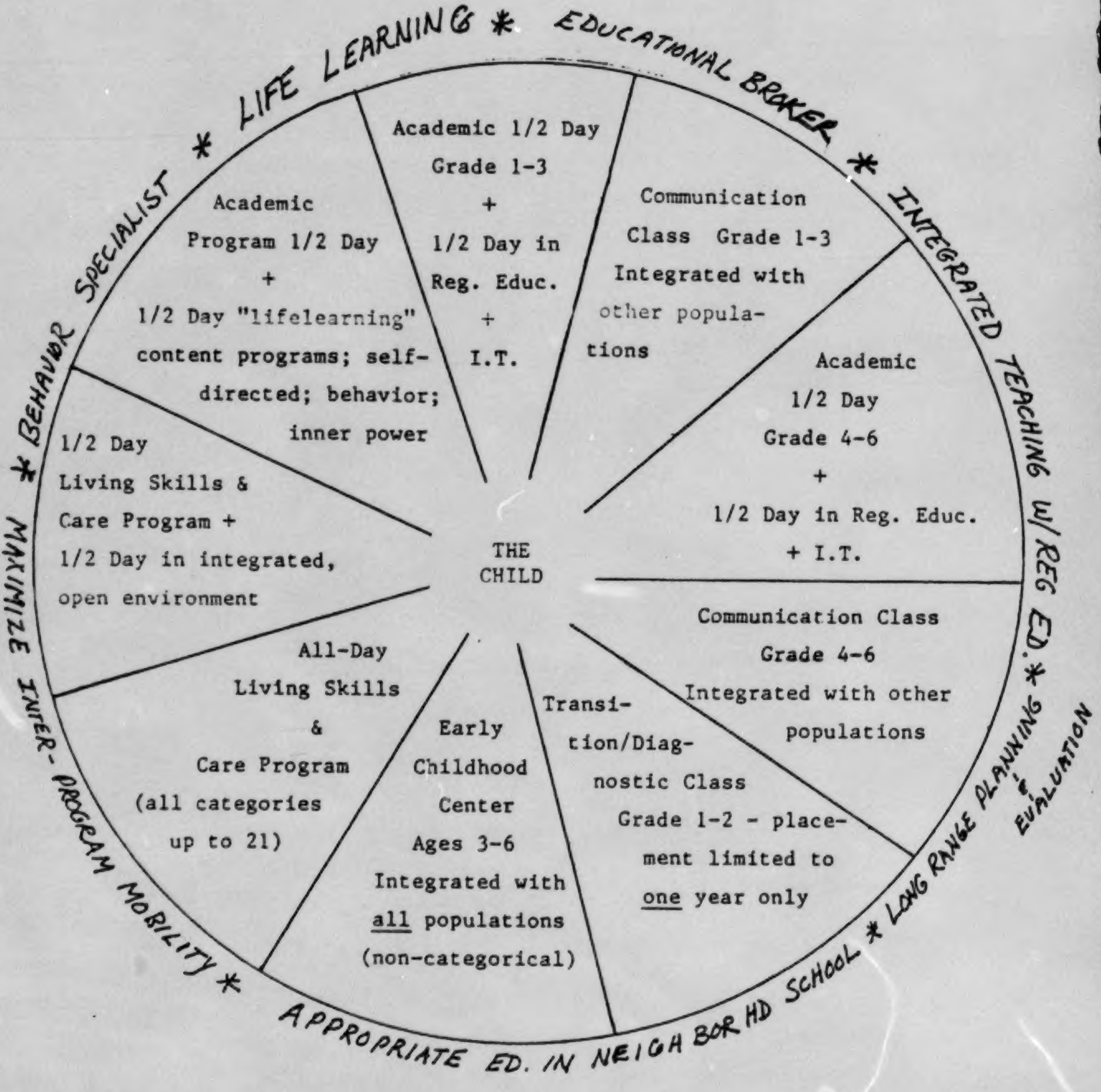
Although nine districts reported that the State monitored implementation of the LRE provision, this monitoring, in all instances, turned out to be a review only of policies and assurances. There was no indication that technical assistance or enforcement activities were in any way related to an assessment of the extent to which LRE was actually implemented. In fact, given the confusion and interchanging of the terms "LRE" and "mainstreaming," placements which allow only for opportunities to interact with nonhandicapped children may well be regarded as full implementation of LRE.

There was one noteworthy expansion on the LRE requirement that occurred in a medium-sized district which decided to renovate its programming to more specifically satisfy students' needs which could not be met using the usual continuum. The program was redesigned and was graphically illustrated on a wheel. See Exhibit 5.2. Some of the starred areas revolving about the wheel can be more clearly defined by the purposes they stress:

Educational Broker:	matching of individual needs with community resources
Integrated Teaching with Regular Education:	elimination of stigma by providing services to all students
Maximize Inter-Program Mobility:	physical flexibility within schools, and within other districts
Behavior Specialist:	motivation for "life"
Life Learning:	survival, independence, and sensory skills.

This "wheel of services" was developed by the parents and by district personnel. A survey involving teachers, psychologists, regular teachers, and placement team members followed, and information was collected on

EXHIBIT 5.2: WHEEL OF SERVICES


* BEHAVIOR SPECIALIST * LIFE LEARNING * EDUCATIONAL BROKER * INTEGRATED TEACHING W/REG ED. *
LONG RANGE PLANNING & EVALUATION *
APPROPRIATE ED. IN NEIGHBOR HD SCHOOL *
MAXIMIZE INTER-PROGRAM MOBILITY *
THE CHILD
Academic 1/2 Day Grade 1-3 + 1/2 Day in Reg. Educ. + I.T.
Communication Class Grade 1-3 Integrated with other populations
Academic 1/2 Day Grade 4-6 + 1/2 Day in Reg. Educ. + I.T.
Communication Class Grade 4-6 Integrated with other populations
Transition/Diagnostic Class Grade 1-2 - placement limited to one year only
Early Childhood Center Ages 3-6 Integrated with all populations (non-categorical)
All-Day Living Skills & Care Program (all categories up to 21)
1/2 Day Living Skills & Care Program + 1/2 Day in integrated, open environment
Academic Program 1/2 Day + 1/2 Day "lifelearning" content programs; self-directed; behavior; inner power

ELEMENTARY
LONG RANGE PLANNING
* 1979 *

SPECIAL EDUCATION
PROGRAM

the numbers and names of the students and where they would be placed on the "wheel." For any student who could not be categorized, an explanation was to be given. This format, seen here as it was developed early in the spring, is presently in operation (perhaps in some revised form) on the district level for this 1979-80 school year.

Ancillary Activities and the Individualized Education Program

The study gathered relatively little information about ancillary activities related to the Individualized Education Programs, which were, of course, monitored by the state. Monitoring generally seemed to consist of verifying their existence and the existence of all the required components. The quality of the Individualized Education Programs' contents was not part of the monitoring process.

Training in Individualized Education Program development had apparently been given in several districts. It appears that more training is needed in this area because some teachers expressed a desire for feedback on their Individualized Education Programs.

One district obliged their teachers' needs which arise from the time demands in the development of a quality Program. This was done by providing either compensation time or a substitute teacher during the Program development.

Ancillary Activities and the Parent

In attempting to facilitate parent involvement, special efforts to encourage participation were noted. These ancillary activities included notices, phone calls, and personal visits as reminders of upcoming meetings. Meetings were often specially arranged at locations and at times convenient for the parents. Transportation was sometimes provided. Parent groups were organized by some schools to assist parents in working with their children, to encourage active involvement in the school and their children's education, and to provide a support group and forum for discussing problems. One district also provided the parents with training in the implications of P.L. 94-142.

Summary

Across all states and districts in the study, in-service training and monitoring of procedures appeared. The areas where such ancillary activities showed necessity for expansion and development were directly related to; 1) training in the placement decision-making itself; 2) the LRE provision of the Law; 3) the Individualized Education Program development; and 4) the encouragement toward establishing more and stronger parent groups.

6

CONTEXTUAL FACTORS AND CONSTRAINTS

This fourth and final component of the LRE study provided information about structural factors which influenced the placement process on the state, local, and placement team levels. Existing conditions within a state and/or local school district can operate in a variety of ways. In some cases these factors can facilitate the placement decision-making process, while in others, they may serve to constrain, impede, or hamper the application of the LRE principle. In other cases, the impact of a contextual factor is not subject to boundaries, and, for the process of making placement decisions,can be interpreted in terms of both positive and negative implications.

In the first part of this chapter there is a discussion of contextual factors which, by virtue of their existence alone, influence district procedures as focused upon those participating in Activity 2 (Local Education Agency Analysis) and those involved in Activity 3 (Legal Analysis). The second part of this chapter presents the factors which actually inhibit the effective implementation of least restrictive placements. These constraints are described as those: 1) predominantly operating in all states; 2) that are issue-specific to the local districts in the district sample; and 3) that are indicative of additional difficulties faced by the local agencies in the sample, yet somewhat representative of all districts in general.

Contextual Factors

Various sources of information within the districts were used to learn about the contextual factors. Observers requested copies of all pertinent documents related to policies and procedures on placement. They also talked informally to team members and special education supervisors about procedural information, and further noted the presence or absence of formal or informal guidelines through their observations of placement team meetings within each district. To record this information, the observers completed sections of the District Data Form which were specifically related to placement procedures and policies. The result was a synthesis of the available material and impressions that characterized the formal and informal components of the placement process and related issues within each district. These results were categorized according to the separate components involved.

Written Placement Procedures and Policies

A variety of written documents relative to placement and LRE were present within the districts. Some of these were common to all or almost all districts; others were less frequent, and some were rarely in evidence. Common to all or almost all districts were:

- Placement forms
- District program plans (usually in state applications)
- State Placement Guidelines

Frequently present were:

District-written policy statments

  - on LRE
  - on parent participation
  - on student participation
  - on due process and appeals
- List of placement options
- Placement procedure manuals

Rarely evident were:

- District-written criteria for LRE
- Policies on out-of-district or private placement
- Criteria for providing opportunities with the nonhandicapped

- Criteria for evaluating placement options
- Specific district placement options corresponding to the continuum of services (LRE) model

In addition to attempting to measure the existence of these items, observers also recorded their dissemination. This was thought to be a crucial indicator of the real availability and importance of formal placement procedures. Simply because written policies and procedures existed, it did not necessarily mean that placement team members were aware of them or used them.

The result of this investigation was discouraging, at least insofar as it related to the presence of written, formal procedures and policies. The forms listed above under the heading "Common to All Districts" were usually broad statements by the state and local education agencies which provided general guidance for the development of placement procedures or stipulated policies that conformed to state or Federal law. The more specific and detailed materials were those listed under the categories of "frequently present" or "rarely evident." Furthermore, the dissemination of all of these materials was quite minimal; usually, they were provided to a few persons in supervisory or in coordinating positions who had the responsibility of communicating this information to the other team members.

On the other hand, the outcome of these informal communications was surprisingly effective and, at least in general, placement team members demonstrated an understanding of usual placement procedures and policies. This was particularly true in cases of standing placement teams where individual participants had had extended experience with the process.

Unfortunately, there were some areas of policy and procedure that were largely unknown or misunderstood, and these were quite often the components most related to LRE. The general lack of detailed and explicit written information in this area was reflected in the similar lack of team member awareness or understanding of many of the essential features of LRE. Paramount among these were a failure to distinguish LRE and "mainstreaming," and insufficient knowledge of placement options or the criteria for evaluating options with regard to their restrictiveness.

Evaluation and Monitoring

Procedures for evaluating or monitoring the placement after it occurred differed widely among districts, but had the following features in common:

- Very rarely was there a good procedure for early or periodic (less than one year) evalution of individual placements;
- Most districts relied heavily upon annual reviews (in conjunction with Individualized Education Program development) to determine post hoc the suitability of placements;
- Most districts designated a person (usually a psychologist or special education coordinator/supervisor) to "spot check" the performance and classroom integration of handicapped students. In a few instances, this was done by in-depth review of a few selected cases, but in most districts, this involved informal surveys of the general effectiveness of programs and classes;
- Most districts encouraged individual placement team members, who were responsible for program implementation, to refer cases in which placement was not working to the benefit of the student.

The last feature listed was the most common source of indications that placements were unsuccessful. Usually a classroom teacher (or in some cases the parent) would complain that the placement was not successful, and a special reevaluation (for change of placement) would be conducted. A problem with this approach was that it relied heavily upon individual service providers to raise the issue of inappropriate placement. This implies that the decision would be highly idiosyncratic and contingent upon the personal biases and perspectives of a particular staff member.

In accordance with P.L. 94-142 guidelines, all districts indicated that placements were reviewed pro forma every year (the three districts in one state stipulated 6-month reviews) and were reevaluated every three years. Nevertheless, all districts indicated that many placements had been modified prior to scheduled reviews and/or reevaluation. What this suggests is that, for the most part, the lack of formal, immediate follow-ups on placement was, to some degree, made unnecessary by the limited success of the above-described, less formal procedures. The advantage of this informal approach to monitoring was, of course, its minimal expense in time and energy. Many districts already were taxing personnel resources to their limit in order to conduct the scheduled reviews and reevaluations. Additional procedures in the form of short-term follow-ups and formal monitoring would have required more time and staff members than were available. On the other hand, it is probably axiomatic that more formalized procedures would result in more effective LRE placements.

Training and Technical Assistance

Within the sampled districts, the observers searched available documents and interviewed special education supervisors concerning the extent of training and technical assistance regarding placement and LRE. The general result of this investigation was the finding that very few districts had extensive or regular in-service training for all placement team members in these areas. About half of the districts had dealt, in a limited fashion, with the issue as part of in-service training on overall ramifications of P.L. 94-142, although this instruction was minimal.

However, all 5 states and most of the 15 local districts had provided fairly extensive training and technical assistance on these issues to program supervisors/coordinators and to special education building principals. These individuals were generally well trained in the major provision of due process, parents' rights, procedures and scheduling and, to a somewhat lesser extent, LRE. The assumption was that they would disseminate this information to their staff members. In reality, this detailed information was usually learned by placement team members through practice. The supervisory personnel would clarify particular procedural and policy questions as adjuncts of specific cases as they arose. Most districts did have some in-service training instruction, usually led by the supervisory personnel. The content of those sessions, however, was more general, and specific details were usually clarified as part of initial meetings in the district or through informal communciations to individual members.

When team members were questioned on the need for more in-service training, many indicated that additional training could be helpful. However, they usually stated that it was important for other staff members, particularly regular education teachers, and that they themselves were already knowledgeable on all the important issues and procedures. Some also indicated the need for training for parents or, at the least, some pre-meeting presentation to parents of the nature and reasons for placement and Individualized Education Program meetings. A few districts had instituted some parent training programs, and they felt that these had been quite helpful.

Legal Activity in the Local Education Agencies

Of the 15 districts in the sample, 4 had had experience with law suits or the threats of lawsuits related to placements. Two of these districts were urban and two were suburban. The fact that none of these contested actions occurred in rural districts (which made up over half of the sample) may have been related to geo-social differences between urbanized and rural settings, or may have been simply a function of the higher population of students in the urban and suburban districts.

One of the districts was a relative "hot-bed" of legal activity: nine hearings, four appeals, and one actual suit had occurred there. In the other three districts, one had had an appeal that resulted in a civil action, and the other two had been threatened with action but, through their own procedures for mediation, had avoided litigation.

Legal Considerations and LRE

Seven issues that confront judges and administrative hearing officers in implementing the LRE requirements were identified.

1. Preference versus Presumption

The LRE requirement clearly states a preference that "to the maximum extent appropriate, handicapped children (should be) educated with children who are not handicapped."

In legal terms, however, the difference between a preference and a presumption can be very significant. In the case of a presumption, the burden of proof generally shifts to the party against whom the presumption is operating—in this case, the party proposing the more restrictive placement. Such a party then has the legal obligation of rebutting the presumption, i.e., demonstrating, in this particular case, that the presumption is outweighed by other considerations, such as the severity of the child's needs. In the case of a preference, the legal requirements are generally less onerous and the preference becomes one of many factors to be weighed by the decision-maker, and not necessarily a factor where its rejection requires a clear and compelling rationale.

In summary, where a presumption is operating, a decision-maker whose ruling is contrary to the presumption must explain why the presumption has not been followed in the placement decision; where a preference exists, such explanation is generally unnecessary. Hence, from a decision-maker's perspective, it becomes important to determine whether the goal of LRE, as stated in P.L. 94-142, and its regulations creates a presumption or a mere preference.

2. Determination of When LRE Requirement versus "An Appropriate Education"

The issue here is how to determine when the LRE requirement is in conflict with the principal placement criterion contained in P.L. 94-142 and its regulations—an appropriate education. Whether the LRE requirement is a "presumption" or a "preference," a judge or hearing officer making a placement decision must decide how much weight the requirement should have relative to other considerations such as the severity of the child's handicap, the potentially harmful effects on the child in being placed in the least restrictive environment, and the potentially harmful effects of such placement on other children in the proposed placement.

The need to balance these considerations is reflected in the way the requirement is written. On the one hand, the requirement is qualified by potential-limiting phrases such as "the maximum extent appropriate," "the nature and severity of the handicap," "a handicapped child's individualized education program" and "potential harmful effect on the child or on the quality of services which he or she needs." On the other hand, the requirement is buttressed by phrases such as "the maximum extent appropriate" (this phrase can be interpreted either as a limitation or a maximum mandate), "removal . . . from the regular education environment . . . *only* when the severity of the handicap is such that . . .," "placement . . . as close as possible to the child's home," and "unless a handicapped child's program requires some other arrangement . . . ." Thus, a judge or hearing officer making a placement decision must engage in a delicate weighing of opposing considerations and ultimately must decide how much weight the LRE requirement should be given in a particular case or in general.

3. Private versus Public Facility in Restrictiveness

Another issue raised by the LRE requirement is how to decide when a particular placement is more or less restrictive than another placement, where one is in a private school and the other in a public school or other public facility. It seems relatively clear from the regulations that a regular education placement is the least restrictive placement possible and that, as the degree of special education services increases, as measured by increased time away from nonhandicapped peers, the placement becomes more restrictive. It also seems clear that placements at home, in hospitals, and in "institutions" are more restrictive than placements in public school special classes. The problem arises when one compares public and private placements. Are all private placements considered placements in "institutions?" What is an "institution?" Are private placements *per se* more restrictive than public placements? For example, is placement in a private school, which has a majority of nonhandicapped students, more restrictive than placement in a public school—where the private school placement is in a regular class with special education support services and placement in the public school is in a special education self-contained class?

4. Continuum of Services versus Determination of Actual Availability of Services

The fourth issue faced by judges and hearing officers implementing the LRE requirement is suggested by paragraph (b) of 121a.552 which appears to be an attempt to insure that the "continuum of alternative placements" required by the preceding section is actually available "to the extent necessary to implement the individualized education program for each handicapped child." The issue involved here is the extent to which a decision-maker should try to determine whether a placement being offered is actually available as it is described in an individualized educational program. For example, should a hearing officer or judge consider evidence that parts of the placement are unavailable? What weight should be given to a local educational agency's assurance that the program will be available when needed, even though it is not available at the time of the hearing? How much weight should a hearing officer give to evidence of past failure of the local education agency to provide promised services?

A related issue concerning the requirement of a "continuum of alternative placements" is the extent to which decision-makers should require school systems to present evidence that alternative, less restrictive placements have been explored prior to the recommendation of the proposed placement contained in the individualized educational program. The mere fact that a particular placement is being proposed provides no assurance that other less restrictive alternatives have been explored.

5. LRE versus Proof of Ineffectiveness

The issue here is the weight to be given to the evidence that a child has made inadequate progress or has regressed over a period of time in an educational program. For example, should the "least restrictive environment" be ordered, even though there is evidence that that particular placement or one similar to it has been ineffective in meeting the needs of the child? How much modification of the program should be required before it may be considered appropriate? To what extent and in what circumstances should past failure of a program to meet a child's needs be considered as evidence that a particular local educational agency or private school is unable to develop an appropriate program? Conversely, to what extent should the success of a child in a program be considered in a placement decision where that program is more restrictive than that being offered by the local educational agency?

These last two issues could be classified as "reality issues." These are issues concerning the extent to which hearing officers should look beyond and through all of the "paper work" which is submitted by the parties to determine the actual contents of the proposed programs and what their likely impact will be on the child, based, in part, on what the child's experience has been in an existing program.

6. Extent of Consideration to Movement to Less Restrictiveness

In a similar vein is the issue of the extent to which hearing officers should require and include in their decisions proposals for future movement of a child to a less restrictive setting. If the LRE requirement is to be properly implemented, a child's placement should not be perceived as static (to be reviewed and routinely approved on an annual basis).

7. Extent of Consideration to Student's Preference

This final issue is to what extent the student's preference should be considered in determining the placement. This issue is particularly important where the student has reached the age of majority or even where a student has reached the maximum age for compulsory school attendance. Since the LRE requirement is primarily a civil rights provision designed to protect students from undue segregation, should the student's view of which placement is more or less "restrictive" be accorded substantial weight? For example, if a student with severe emotional problems feels more comfortable in a private school for emotionally disturbed children than in a public school special class because he or she feels that the public school setting is more "restrictive" in a psychological sense, should this preference be seriously considered? Conversely, should such a student have the right to be heard separately from the parents where a more restrictive placement, such as a residential school, is being considered? In fact, such a situation is not very different from a "civil commitment proceeding" against a person who is deemed to be so mentally ill as to possibly require a "residential placement."

These, then, are some of the principal issues which must be addressed by judges and hearing officers as they apply the LRE requirement to specific cases.

Across the nine states sampled in the Legal Analysis, the 121 cases investigated were mostly composed of appeals for more restrictive placement in the form of private school placements. The decisions, as a whole, verified that many factors influence the outcomes. Clearly, the LRE requirement was an important explicit factor in only a small minority of the cases. Of much greater import was the general bias in most of the states sampled in favor of district placements and against private school placements. This bias was seen as being based largely on financial considerations, political factors and, in part, on philosophical and legal factors such as the LRE requirement and the seven issues identified above. Frequently the bias took the form of routine acceptance of local district proposals, regardless of past district failures or present district procedural irregularities.

Other factors which influenced the final outcome of these cases were: the type and severity of the child's needs; the past history of success or failure to educate the child in the various placements being proposed; and the apparent good faith, or lack thereof, of the district and parents. How well these and other factors were presented at the various hearings was also critical to the outcome.

Advocacy Activities

There was very little evidence of organized parent, professional, or advocacy group activity in most of the sampled districts. Where it did occur, it usually amounted to a minimal provision of technical assistance or support from state chapters of national associations for handicapped persons. Some districts did have parent groups acting in an advisory capacity at the state and local level. Also, there was some direct participation of advocacy groups in the cases of threatened or actual legal activities brought against district placements; in such cases, the outside groups had been very effective in organizing the legal activities and in conducting the ongoing pursuit of due process rights.

Impact of Contextual Factors on Placement

The districts in the study have been classified along many different dimensions. Two characteristics noted by the observers as having a substantial impact on the overall placement process were the size of the district and the extent of centralization/decentralization of the procedures.

While the larger districts generally had a broader spectrum of services and placement options at their disposal, they also paid a price in terms of administrative requirements. Specifically, it was more difficult to communicate policies and more difficult to monitor implementation. In the smaller districts, a smaller number of children were handicapped. There were also fewer professionals, so nearly everyone was personally familiar with every child's case. Another problem was the nature of a small town; i.e, the placement team members personally knew the family or someone associated with the family in some way.

This kind of situation naturally resulted in a very different kind of decision-making--personal as well as professional. The team's knowledge of any individual child was generally more complete than in the large districts where a child was a name on a meeting agenda, a teacher complaint, a case history, or a test score. The placement decision itself might not have changed much as a function of the size of the district, but the context in which the decision was made and carried out was clearly related to the number of children involved in the system.

Another contextual factor that influenced the placement process was the extent of centralization or decentralization in the district. In centralized districts, key decisions about policies and procedures were made by a single administrator or a group of administrators and were disseminated through the management hierarchy. In decentralized districts, the power rested to a large degree with the building principal or with the regional staff. Interestingly enough, one technique which seemed to lead people in a large district to function in a similar manner to those in a smaller district was decentralization. Each unit seemed to see itself as responsible for its procedures and decisions.

The authority of the building principal and the autonomy of the individual school were critical features in decentralized districts. One of the positive benefits of this kind of arrangement was that it appeared to contribute to an attitude of "our school" and "we take care of our own." As in other situations, autonomy-providing baseline outcomes depended, to a large degree, on the "good will" of the persons granted the responsibility. In some of our districts, the "good will" was evident and LRE benefitted because part of "taking care of one's own" means taking action to keep the student in his or her own school. In others, decentralization was synonymous with a lack of management. This resulted in many variations in placement procedures and in the the nature and degree of implementation of LRE.

The extent of decentralization was also somewhat related to the attitude of district staff to the bureaucracy associated with educating handicapped children; and the level of bureaucracy was lessened as persons making placement decisions chose their own way of doing things. If it did not meet their needs, they simply changed their procedures. Having this kind of power rest with the persons who actually decided placements seemed to induce the "we-they" distinction and resentment that many district staff members seemed to feel. The amorphous, omnipotent "they," as demonstrated in statements such as "why are 'they' making us do this," was a less powerful force where district operations were decentralized.

There is an inherent danger of oversimplication in discussing district contextual factors. As a final note, it should be pointed out that there is no direct relationship between any one factor and effective placement procedures; good procedures were seen in small and large, centralized and decentralized districts. While these variables definitely contributed to the general ambience of placement decision-making, other variables modified or changeed these effects. For example, one distict was highly centralized and yet had incorporated a number of mechanisms whereby team members had input into establishing district policy. This had the positive effect of providing good procedures across all the schools and breaking down the "we-they" resentment. This district had the ambience of a decentralized district even though this was not the case. Similarly, the effect of size was often mitigated by other factors in the district. Because there are many such factors and because they interact in complex ways, the study was not able to draw one all-encompassing conclusion about the effect of context on placement decision-making. There were striking qualitative differences in the ways in which the districts operated, and these could be seen in the placement process. The safest conclusion is that the factors responsible for these differences are numerous, and they would require a study addressed to just that issue.

Constraints

This general category was used to describe those factors preventing or inhibiting state and local school districts from achieving full implementation of the LRE requirements.

Constraints Encountered by All States

A wide range of difficulties in implementing LRE was identified by the states. See Table 6.1. In general, these constraints were concerned

TABLE 6.1: STATE LEVEL CONSTRAINTS (State Analysis)

	Constraints	Frequency*	
1.	Staff	38.0 (n=19)	
	Staff Constraints		**Frequency***
	• Not Enough at SEA Level		2.0 (n= 1)
	• Not Enough at LEA Level		12.0 (n= 6)
	• Not Qualified		28.0 (n=14)
	• Other		4.0 (n= 2)
2.	Attitudes	20.0 (n=10)	
	Attitudinal Constraints		**Frequency***
	• Parents		8.0 (n= 4)
	• Teacher		12.0 (n= 6)
	• Community		2.0 (n= 1)
	• Students		4.0 (n= 2)
	• Other		8.0 (n= 4)
3.	Determing LRE	6.0 (n= 3)	
4.	Low Incidence Students	26.0 (n=13)	
5.	Architectual Barriers	6.0 (n= 3)	
6.	Materials	4.0 (n= 2)	
7.	Lack of Options	32.0 (n=16)	
8.	Funding Formula	2.0 (n= 1)	
9.	Not Enough Money	32.0 (n=16)	

*Multiple responses were allowed.

of most often mentioned): training and technical assistance; increased cooperation among agencies; and additional funding.

In conclusion, across all states, implementation of the LRE provision of P.L. 94-142 was constrained primarily by lack of qualified staff, options, and money. Very few states indicated that the concept of LRE itself presented difficulties. Given the general lack of information on LRE presented by the states, however, this finding was difficult to interpret. The possibility exists that until the states begin directly addressing the specific ramifications of LRE, they are unlikely to encounter problems in this area.

Issue Specific Constraints

Specific issues addressing the placement decision-making process, LRE, the Individual Education Program, and parent/student involvement revealed the constraints which are discussed individually below.

Constraints to the Placement Decision-making Process. Several factors appeared to constrain or hamper the placement decision-making process including the lack of parent involvement of group decision-making skills, and the lack of case-relevant information (as well as the size of the committee meeting on placement). Each of these is discussed in turn.

Parent involvement was a two-fold problem in many of the districts visited. Some schools required parents to attend the placement meeting; when parents did not show up, the meeting was cancelled and an attempt was made to reschedule. Repeated absences on the part of the parent caused subsequent delays in serving children. The other aspect of parent involvement, which was problematic, was the lack of active parent participation in the decision-making process. Even when parents attended meetings they were rarely active participants. Parents often did not seem to know what was expected of them or how to participate effectively.

Group decision-making skills also appeared to be a constraint to effective placement practices. In general, members of the placement committee did not seem to be skilled in making decisions within a group setting. If there was more than one option to consider, the group

For example, in one case, a placement meeting was convened but, for the first time, the regular education teacher raised the possibility of the student having a hearing problem. There was agreement that an appropriate placement decision could not be made without considering the results of an audiological examination. The committee was dismissed to be reconvened at a future time when all necessary data would be available. It is interesting to note that this particular case eventually had to be dropped from our sample because the placement committee did not reconvene during our 2-month data collection period. The school notified the parent of the need for the student to have an audiological examination at the local medical center, but delays in completing this assessment caused subsequent postponements in determining placement.

In general, information presented at the placement meeting was disjointed. Part of this may be due to the condition of written diagnostic reports and part to the disparate locations of the information. In many cases, it was markedly difficult to locate a central file which included a summary of all information pertaining to a given student. Each professional appeared to collect his/her evaluation data and did not share the results until the meeting. The time constraints of the meeting, as well as parent/student attendance, also may tend to prevent a thorough presentation of the data.

Group decision-making can also be inhibited by either a group which is too large and unwieldly or a group too small to include participants with varied information. The range of members participating in placement meetings we observed varied from 2 to 19. When the group had more than seven members, sub-conversations tended to evolve. In such a large group, there were usually conclaves of professionals who knew one another and became a sub-group, at times isolating and (inadvertently) intimidating parents and often the regular education teacher. On the other hand, groups consisting of only a few professionals and the parent were not able to develop a flow of dialogue necessary to help the parent feel like contributing.

with staff members, with lack of money, and options, and with the provision of services for low incidence students. The main problem the states reported with staff members was that there were not enough qualified teachers, especially for the more unusual conditions. Several states also indicated that regular classroom teachers needed to be trained to work with handicapped students. A lack of options was frequently related to problems with low incidence exceptions and was especially pronounced in rural/low density population areas of the states. Thus, in these isolated areas, the states reported difficulties in providing appropriate placement options when there were too few students to receive services. Transportation problems were often a related obstacle, as several states expressed concern that children in rural areas often had to travel long distances to receive services.

Only three states specifically reported that determining LRE was a problem. One state indicated that its teachers and administrators needed in-service training in the criteria for determining LRE. Another state reported constraints in "reconciling philosophical differences among districts regarding the relative merits of different alternatives along the continuum." It was the third state however, that raised some of the most far-reaching questions concerning implementation of LRE. Its statement from the Annual Program Plan is cited verbatim below:

> ...The conceptual complexity of restrictiveness in environment confuses applications. For example, (this state's) continuum indicates that generally the most restrictive alternative is an intermediate unit of program instruction in the home, yet for a very young child the home can be a very natural and non-restrictive learning environment. How does the restrictiveness relate to type, severity, multiplicity of handicaps, prior experience, and present skills? Relationships between instructional environments and administrative arrangements are not yet clear to everyone. These matters must be considered and resolved for individual children by IEP planning teams.

Thus, the crux of LRE implementation--weighing all factors and alternatives--was succinctly summed up.

Although most states reported constraints, fewer indicated possible solutions. The major strategies to overcome difficulities were (in order of most often mentioned): training and technical assistance; increased cooperation among agencies; and additional funding.

In conclusion, across all states, implementation of the LRE provision of P.L. 94-142 was constrained primarily by lack of qualified staff, options, and money. Very few states indicated that the concept of LRE itself presented difficulties. Given the general lack of information on LRE presented by the states, however, this finding was difficult to interpret. The possibility exists that until the states begin directly addressing the specific ramifications of LRE, they are unlikely to encounter problems in this area.

Issue Specific Constraints

Specific issues addressing the placement decision-making process, LRE, the Individual Education Program, and parent/student involvement revealed the constraints which are discussed individually below.

Constraints to the Placement Decision-making Process. Several factors appeared to constrain or hamper the placement decision-making process including the lack of parent involvement of group decision-making skills, and the lack of case-relevant information (as well as the size of the committee meeting on placement). Each of these is discussed in turn.

Parent involvement was a two-fold problem in many of the districts visited. Some schools required parents to attend the placement meeting; when parents did not show up, the meeting was cancelled and an attempt was made to reschedule. Repeated absences on the part of the parent caused subsequent delays in serving children. The other aspect of parent involvement, which was problematic, was the lack of active parent participation in the decision-making process. Even when parents attended meetings they were rarely active participants. Parents often did not seem to know what was expected of them or how to participate effectively.

Group decision-making skills also appeared to be a constraint to effective placement practices. In general, members of the placement committee did not seem to be skilled in making decisions within a group setting. If there was more than one option to consider, the group employed no organized method in discussing and evaluating the options. Final decisions in such cases often seemed to be made by default. For example, in cases where there was no clear-cut evidence in support of one option over another, the solution might be to defer to the parent for the final decision. Something like this might transpire: "Well, Mrs. T., it really is up to you. Where do you want Lisa to go?" This puts the parent in a very difficult situation. After just experiencing several professionals advocating different placements with no clearcut rationale for choosing one over the other, the parent is forced to make the final determination. A worse case yet exists when the student is involved in a similar situation. When caught between two opposing placement viewpoints, the student is thrust into the role of chief decision-maker by being asked to designate a preferred placement. These certainly are not situations which reflect a placement decision made by a "team" (as is required by the Law).

In general, however, passive agreement was the nature of the process when more than one placement option was being considered; i.e., the group members sometimes meandered through pros and cons of different placements in a very non-specific way, without tying the student's needs explicitly to any of the program options. The consideration of options was often not a rational process: there was usually no weighing of alternatives relative to the programming needs of the student, nor was there any attempt to rank student needs. This lack of group decision-making skills may contribute to the practice of one person making the placement decision and then the placement team or committee merely rubber-stamping its approval of that placement. This lack of skill in applying a logical decision-making process also may tend to discourage consideration of different options when determining placement for a handicapped student.

Sometimes diagnostic information was not available to the committee for one of three possible reasons: (1) a professional with case-relevant information was unable to attend the meeting; (2) the child had yet to be tested in a specific area; (3) it was not apparent that particular information was necessary at the time the case was scheduled for review.

For example, in one case, a placement meeting was convened but, for the first time, the regular education teacher raised the possibility of the student having a hearing problem. There was agreement that an appropriate placement decision could not be made without considering the results of an audiological examination. The committee was dismissed to be reconvened at a future time when all necessary data would be available. It is interesting to note that this particular case eventually had to be dropped from our sample because the placement committee did not reconvene during our 2-month data collection period. The school notified the parent of the need for the student to have an audiological examination at the local medical center, but delays in completing this assessment caused subsequent postponements in determining placement.

In general, information presented at the placement meeting was disjointed. Part of this may be due to the condition of written diagnostic reports and part to the disparate locations of the information. In many cases, it was markedly difficult to locate a central file which included a summary of all information pertaining to a given student. Each professional appeared to collect his/her evaluation data and did not share the results until the meeting. The time constraints of the meeting, as well as parent/student attendance, also may tend to prevent a thorough presentation of the data.

Group decision-making can also be inhibited by either a group which is too large and unwieldly or a group too small to include participants with varied information. The range of members participating in placement meetings we observed varied from 2 to 19. When the group had more than seven members, sub-conversations tended to evolve. In such a large group, there were usually conclaves of professionals who knew one another and became a sub-group, at times isolating and (inadvertently) intimidating parents and often the regular education teacher. On the other hand, groups consisting of only a few professionals and the parent were not able to develop a flow of dialogue necessary to help the parent feel like contributing.

Constraints Upon LRE Principle. Two major types of constraints to full implementation of the LRE concept were apparent: 1) the lack of a full range of suitable placements (which would facilitate greater awareness of alternatives on the part of school personnel for selecting among alternative placements); and 2) a general lack of understanding concerning the concept of LRE.

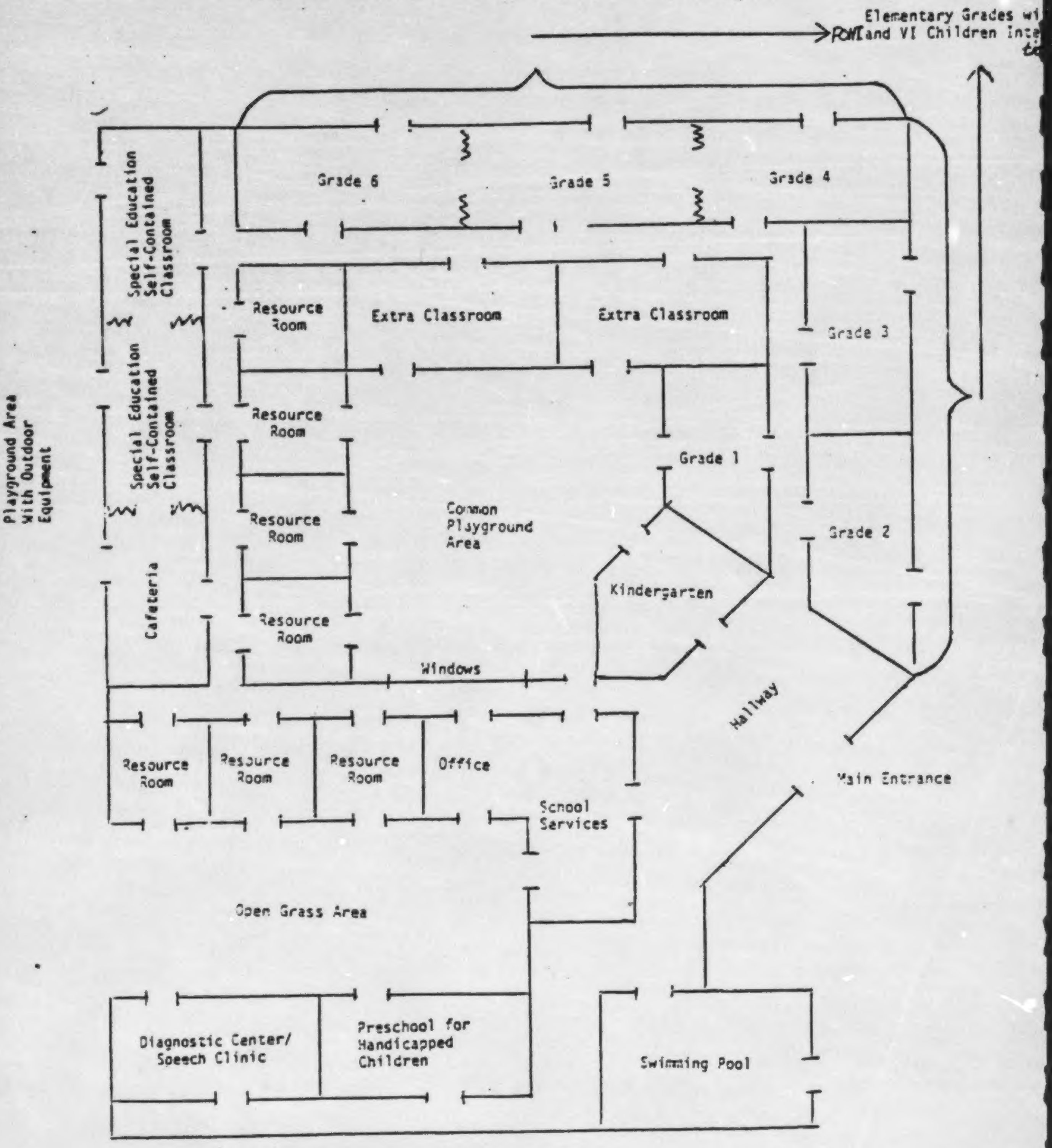
There were a variety of factors which affected the availability of a full continuum of service options, including the impact of fiscal policy at both the state and local levels, the organization of administrative structures within the district (for example, housing school psychologists within special education, rather than as an adjunct to general education), the geographical location of alternative service options (requiring undue transportation of handicapped children), types of special education specialists which have been employed, and other related factors.

Despite such instances of operational infeasibility, there were excellent examples of efforts to maintain children in as "normal" and as nonrestrictive an environment as possible. There was a clear commitment on the part of every district in the study sample to a type of "mainstreaming" which took the form of placing the handicapped child in close proximity to nonhandicapped children. Where such a placement was not possible, children were often placed with less severely handicapped children (upstreaming). The degree of success and sophistication, of course, varied considerably, but there was no question as to the sense of commitment each district felt and showed in following through with such a philosophy. For example, in two districts, unusual organizational approaches to serving severely handicapped children were observed; this tended to mitigate against these noted constraints. In both of these districts the architectural design of the school building specifically accommodated class arrangements for the handicapped; educational programs for both the handicapped (severely so in some cases) and nonhandicapped child had been operating simultaneously for more than five years. This produced a staff, student body, and parent support groups with a remarkably open and inclusive attitude toward the handicapped child.

Exhibit 6.1 shows the design of one such school building in one district. While the handicapped children have a designated section of the building for instructional and grouping purposes, the very open "pods" or instructional areas, common play and lunch areas, and the high traffic exchange in the lobby area of the school enhanced remarkably the mixture of students and opportunities for social integration. In fact, this particular building contained severely mobility-impaired children; the wide open physical spaces and lack of doors or tight, enclosed entryways greatly enabled these children to move freely and easily with crutches, wheelchairs, and other mobility-assistance devices. In this setting, there was a great deal of extracurricular and social integration of the children—the pool serving as one key focal point for this. In fact, one of the most severely physically impaired children in the school was able to participate in a National Spelling Bee competition representing this district and the state region. Such real opportunities for interaction and exchange may well belie the need to more precisely define implementation requirements for LRE at the operational level in other districts. However, the concept of LRE is so deeply entangled with the popular concept of "mainstreaming" that a specific and directed effort is necessary to delineate the two concepts and to focus specifically on implementation of operational elements of LRE.

Constraints Upon the Individualized Educational Plan. One of the major constraints affecting the usefulness of the Individualized Education Program is the fact that it is often seen solely as a requirement of the Law. Rather than serving as a guide which directs the teachers' activities with a child, the Individualized Education Program is perceived to be just one more piece of required paper that must be completed on each special education student. Discussions with teachers revealed that Individualized Education Programs were sometimes developed for inclusion in the file, and then another instructional plan or sequence was drawn up for actual use with the child. This redundancy was not an attempt at subversion or deceit. The teachers simply did not

EXHIBIT 6.1: ARCHITECTURAL DESIGN OF ELEMENTARY SCHOOL SHOWING INTEGRATION OF CHILDREN WITH AND WITHOUT HANDICAPS


Elementary Grades wi
POHI and VI Children Inte
ti
Grade 6
Grade 5
Grade 4
Special Education Self-Contained Classroom
Special Education Self-Contained Classroom
Playground Area With Outdoor Equipment
Resource Room
Extra Classroom
Extra Classroom
Grade 3
Resource Room
Grade 1
Resource Room
Common Playground Area
Grade 2
Cafeteria
Kindergarten
Resource Room
Windows
Hallway
Resource Room
Resource Room
Resource Room
Office
Main Entrance
School Services
Open Grass Area
Diagnostic Center/ Speech Clinic
Preschool for Handicapped Children
Swimming Pool

perceive the "official" Individualized Education Program as something to be incorporated into their classroom routines; for them it was simply a part of the required paperwork. Given this type of categorizing of the Individualized Education Program, it is easy to see why teachers would resent the time involved in developing something which was of no further use to them.

One district complained of an especially unusual constraint related to Individualized Education Program development. Teachers in this district made extensive use of instructional objectives (and their Individualized Education Programs) in teaching handicapped students. The district had adopted this approach prior to the advent of P.L. 94-142. Because of the creation of the Law and its October 1st deadline for Individualized Education Programs on file, the district felt its Individualized Education Programs were no longer as good as they used to be. Previously, teachers had spent the first two months (both September and October) developing detailed plans for each student. Since the new timeline curtailed this planning period by one month, this led to more abbreviated Individualized Education Programs.

One last constraint arose in those cases where districts held to strict time lines in completing Individualized Education Programs. A quick completion of the process often meant that the Individualized Education Program was developed by someone with very little knowledge of the child. (It is not difficult to see why the Individualized Education Program was not utilized and was later replaced by a more functional plan.) Lack of knowledge is a rather formidable hurdle in establishing goals and objectives.

Constraints Involving Parent/Student. In spite of aforementioned efforts to encourage participation, constraints to parent involvement also were noted. Some parents did not appear to have the interest, time, or, perhaps, self-confidence to become actively involved in decision-making. Information concerning placement options was often lacking to the degree that the parents did not have sufficient information to participate. (Indeed, at times the school staff did not always appear to know the specifics concerning some of the options, such as services provided, availability, transportation, etc.) In addition, there appeared to be a general attitude that placement was the school's responsibility and that the schools were best equipped to make the placement decision.

Additional Constraints

The information to be presented here was gathered through informal discussions with district staff members and through the insightful observations of many different meetings. It was communicated through the logs and in the debriefings, as well as through ongoing discussions among the project staff.

Insufficient Placement and Evaluation Personnel. Some of the districts studied appeared to be operating comfortably within the requirements of the law; some seemed to be barely one step ahead of what needed to be done. Others were lagging so far behind that it was difficult to imagine they would ever catch up. All in all, "overworked" was one word most frequently used to describe district personnel from these latter two types of districts.

While the willingness of staff members to persist day after day, frustration after frustration, was admirable, it is highly doubtful whether an air of continual pressure contributed to the appropriate placement and thoughtful planning of handicapped students' education. Furthermore, as several district personnel pointed out, the constant pressure with no end in sight resulted in high turnover rates among the staff.

The districts had adopted a number of different coping strategies for dealing with a workload which surpassed staff capacity. One simple procedure was to impose a time limit on the meeting. By scheduling a series of meetings back to back, any individual case was prevented from taking up too much time. Districts also coped with the workload by making little or no attempt to meet the required timelines or by letting three-year reevaluations slide. While these practices were not officially condoned, they were not condemned either.

One of the more unfortunate coping strategies was handling some cases in a highly routinized manner, i.e., a typical Learning Disability, a typical Mental Impairment, with typical needs, typical test scores. Other cases, particularly those with unusual complications, would get more in-depth attention and be treated on a truly individual basis. In this way, staff members could be actively involved in making some decisions and could "push the maximum amount of paper" at the same time.

One serious negative impact of insufficient staff time was that children sometimes were left without proper care. This was not seen often, but it did occur. Follow-up information was not collected, and recommended evaluations were not done. A student was actually at home for weeks without services because everyone involved thought someone else was taking care of the case. Another student had been completely mainstreamed and left without services for two years in what turned out to be a disastrously inappropriate placement. No one was available, however, to monitor this child's progress.

Variations in Eligibility Criteria from State to State. Eligibility criteria are the specifications established at the state level which must be met for a child to be classified in a particular handicap category. Such criteria for special education services varied considerably across the five states in the study, particularly for the more ambiguous handicapping conditions such as Seriously Emotionally Disturbed and Specific Learning Disability (for example, the criteria used by two different states for classifying children as Learning Disabled). One state's criteria were considerably more liberal than the first, and this would result in a higher number of children labeled as Learning Disabled. However, that state had adopted a ceiling on the percentage of children that a district could declare as Learning Disabled. The ceiling prevented the more liberal eligibility criteria from having its full impact. Obviously, this presented all sorts of problems at the local level when students who met the eligibility criteria were identified after the quota had been reached.

While the Federal regulations supply definitions of the recognized handicapping conditions, the detailed specification of the criteria for classification has been left up to the states. One of the consequences of the resultant variety is that children who are handicapped in one state are not eligible for services in another. This problem is likely to receive more attention, possibly in the form of litigation, as parents of mildly handicapped children move from one state to another and learn that their children can no longer be provided with services.

Coordination of Federal Monies from Various Programs. An issue which appeared to be unresolved in several districts was the problem of serving a child through several different funding sources. Title I funds (and regulations) were most often involved in the controversy. In general, the districts were unsure as to just what constitutes a proper distribution when a child is eligible for several programs. Various solutions had been reached. There was some feeling that it was unfair to use Title I funds to serve a handicapped child who qualifies for other monies. Assuming a limited amount of resources, the fairest allocation was seen as that which gave everyone a small piece of at least one pie. The problem with this reasoning is, as one local agency special education director pointed out, that it is against the law to deny access to a Federal program because an individual is handicapped.

The districts appeared to have worked out internal arrangements for managing this situation; the strongest effect of this constraint appeared to operate on a non-obvious level during the placement decision-making. The team members restricted themselves to the "handicapped programs" in selecting a placement for a child. For the mildly handicapped, in particular, a less restrictive and yet still appropriate placement, might have been found by exploring other supplemental options. It is impossible to say whether the districts' consistent failures to even explore the alternatives was because a combined program of services was never appropriate for the child or because it was not consistent with informal district policy to explore such a program. In any event, uncertainty exists as to precisely if and how various federal programs are to be used to support each other, and the potential they represent for less restrictive placements is not presently being explored by those making placement decisions.

Transportation. Transporting handicapped children to their buildings presented several kinds of problems to the local agencies. The administrative effort required to move a sizable number of children daily to and from widespread locations is a mammoth task. Some districts even seemed to select proximal placement in order to eliminate transporting the child to the more appropriate, but more distant, placement. This is an interesting example of how some placement decisions may superficially appear to be made in accordance with the principle of least restrictiveness (i.e, placement closest to home), while other fiscal or administrative considerations are the actual deciding factors.

Another problem associated with transportation was the delay occurring before the child could actually begin. This was another example of an issue where, for some districts, it was a routine matter, and for others it was a major source of difficulty.

Transportation is closely linked to the availability of resources. To the extent that the district has a large number of options, children need not go very far from their homes. If the district has few or even no suitable options, handicapped children may need to spend an inordinate amount of time being bussed to and from an appropriate class (in some cases over an hour). These hours, multiplied over weeks and years, represent a substantial loss of time which these children could spend in more productive ways. The lost time factor alone may become a strong incentive for making special efforts to place children near their homes.

Lack of Interagency Coordination. The problems of a child (or family) being served by several public agencies are well known. The same issues appeared with regard to handicapped children. Other agencies involved with a child might include the health or welfare department, the courts, or a community mental health agency. Communication between the agency and the school system ranged from excellent to nonexistent. When communication was poor, the same information was collected repetitively on a child. The family was shuttled from one case worker to another. One of the most serious problems arises when a number of agencies are involved and there is general abdication of responsibility. This is particularly true when the child's problems are not basically educational in nature (e.g., family problems, drug related). The involvement of so many agencies can give rise to the "it is not my problem" syndrome--particularly, when special education staff members are already overworked, as previously described.

Detailed organizational arrangements need to be established to insure the provision of a total program of services appropriate for the child and, in many cases, the family. At the present time, some districts have not yet established such arrangements. Moving the child into a progressively less restrictive environment is not likely to be a possibility unless all agencies involved are working cooperatively toward the same goal.

Missing Pieces on the Continuum. All districts are required by law to have the continuum of services available--either in its own district or through neighboring districts. However, districts that place children in categorical programs actually need a number of continuums; they need one for each category of handicapping conditions. To the extent that certain options are not available for some handicaps (e.g., no resource room for Mentally Retarded, no self-contained Learning Disabled classes), the placement decision-making process is severely constrained. From the team's perspective, a choice must be made between the proper place on the continuum or the proper set of classmates. Even if the placement does exist somewhere in the district, it may not exist in the neighborhood school or a school nearby, in which case another choice must be made.

This constraint can be viewed from two perspectives. On one hand, it is caused by not enough resources to generate the continuum several times over. On the other hand, it is caused by a district policy which a priori categorizes classrooms in such a way that certain types of children cannot be admitted. By their very nature, these classifications can prevent individually determined placements and thus go against the principle of least restrictive environment.

__Fiscal Determinants of Least Restrictive Environment__. Closely related to the existence within local districts of continuums of alternative placements is the special education reimbursement policy of the state. Various funding formulas can be interpreted as providing incentives and disincentives for different types of placements. In making a placement decision, the decision-maker usually has at least two major alternative types of educational settings to consider: (1) Self-contained Classrooms; and (2) Resource Rooms.

In keeping within the guidelines established under P.L. 94-142, the decision-maker is required to place the evaluated child in the least restrictive setting. However, the details of how dollars are reimbursed from the state to the locality tend to set up indirect, but rather powerful, incentives that work against the primary intent of P.L. 94-142. While these fiscal incentives may not be directly observable in the placement of handicapped children, it is our contention that such placements can be better understood in terms of how the state chooses to reimburse localities for their efforts. In short, least restrictive environment is influenced by reimbursable dollars.

In order to determine the impact which reimbursable dollars have on least restrictive environment, we need to examine in detail three prototypical state aid formulas: excess cost aid and teacher salary aid applied to a hypothetical LEA situation. Given the relative lack of accurate cost and pupil data, a set of indicators was developed as a result of discussions with State education department staff. These hypothetical service characteristics are as follows:

1. Total student enrollment is 2,500 students
2. Pupils served in self-contained classes is 100
3. Pupils served in resource rooms is 100
4. Pupils served in integrated programs is 100
5. Pupil/teacher regular elementary ratio is 28:1
6. Pupil/teacher regular secondary ratio is 23:1

7. Average teacher salary is $10,500
8. Fringe benefits is $754 or 6 percent of salary, whichever is less

These characteristics, as well as the following examples, should be viewed as illustrative of the various state and funding patterns.

Excess Cost Aid. An allocation formula, based upon excess cost, reimburses school districts for direct costs ascribable to the education of the handicapped. In determining a district's allocation, only those costs which are directly related to the education of the handicapped and which would not have been incurred if the specialized programs were discontinued are considered. In essence, then, such a formula will reimburse only those costs resulting from the child's being handicapped and not those basic costs related to the child's being a pupil in the district.

In one state, the 1975-76 distribution plan for special education was operated and funded in an excess cost basis under Chapter 269, "Laws of 1975 First Executive Session." Special education excess cost funds provided additional revenue to local school districts to provide handicapped educational programs. Additional teaching staff, above what existed for the basic programs, allowed local districts to provide teacher/pupil ratios viewed as essential for differing types of handicapping conditions.

Keeping in mind our contention that handicapped placements can be better understood in terms of reimbursable dollars, let us consider the case of 100 special education students being placed in a self-contained classroom or resource room program. A typical calculation in determining excess cost funding under each program type would produce the following reimbursement schedule:

TABLE 6.2: COST OF EDUCATING A HANDICAPPED CHILD BY LEVEL OF GOVERNMENT

(EXCESS COST AID)

	Resource Room	Percent Resource Room	Self-Contained Classroom	Percent Self-Contained Classroom
State Excess Cost Funded	$31,798	42%	$62,962	59%
Local District Funded	$44,075	58%	$44,075	41%

The above chart illustrate the effects of the aid formulas on the various levels of government dealing with the education of handicapped children. There appears to be a significant financial incentive for a school district to choose a relatively more restrictive educational setting for the child. In the placement of the 100 handicapped children in a self-contained classroom, the local district bears only 41 percent of the total costs. Placing the children in a resource room, the local district has to pay 58 percent of the total cost. In short, the fiscal incentive is to place the child in the most restrictive environment, that of a self-contained classroom; this is diametrically opposed to the placement criteria promulgated by Public Law 94-142. Excess cost aid was used by two states in our sample.

Teacher Salary Aid. An allocation formula based upon teacher salary aid, distributes to each county a sum equal to the total number of authorized teachers times their respective salary schedules.

In one state, the 1975-76 distribution plan for Special Education was operated and funded under a teacher salary aid program under Act 215 of the Laws of 1947. Teacher salary aid was based on the number of teachers a county had and on the amount of college training and years of teaching experience. Once distributed, the money had to be used for the payment of teachers' salaries. The counties, however, were not required to pay each teacher according to his/her individual position on the State schedule, but the State could not pay more than was paid by the local districts.

Again, let us consider the case of the same 100 special education students being placed in a self-contained classroom or a resource room program. A typical calculation would result in the following:

TABLE 6.3: COST OF EDUCATING A HANDICAPPED CHILD BY LEVEL OF GOVERNMENT

(TEACHER SALARY AID)

	Resource Room	Percent Resource Room	Self-Contained Classroom	Percent Self-Contained Classroom
State Teacher Salary Aid	$37,919	43%	$106,706	82%
Local District Funded	$51,032	57%	$23,147	18%

Again, it appears that there is a financial incentive to place the 100 handicapped children in a more restrictive environment. In the placement of the 100 children in a self-contained classroom, the local district bears only 18 percent of the total cost. However, if the children are placed in the resource room, the local district has to bear 57 percent of the cost. This large discrepancy is primarily due to the fact that, once placed in a resource room, the district still has to provide the student with a regular day teacher.

In summary, the application of reimbursement formulas to these hypothetical situations illustrates the indirect influence which fiscal factors can have on local district placements. The indirect impact has been determined to have the effect of financially rewarding districts for placing handicapped children in more restrictive placements.

Physical Location of Existing Facilities. A factor which had a serious impact on the amount of time a handicapped child will be able to spend with nonhandicapped peers is the physical location of the special education facilities. The decision to determine the location of the special education facilities is not made in the team meeting; it was made many years before, when administrators were planning the programs. Those districts that were foresighted enough to locate their special education classes, even those for the severely and profoundly handicapped, in regular education buildings, can now easily provide less restrictive placements. Districts that built special schools will send children to those schools.

Consider, for example, two of the districts in the study. Both are large, urban districts. One district has no special schools. All special education classrooms are in regular schools either in a special wing, or in one of the modular units which make up some schools. The other district has a number of special schools, including a school for the trainable mentally retarded.

While the quantity of interaction between the handicapped and the nonhandicapped in the first district might not be extensive, the potential far exceeds that found in the second district. In both districts, the placements are constrained by certain realities. It cannot move a class to a new building. The relationship of the decisions made with regard to facility planning and those concerning the less restrictive environment for an individual student should be recognized. LRE must be a part of the former to be more fully a part of the latter.

Creativity of the Placement Team. Besides being externally constrained, the placement teams were often seen as internally constrained; they were limited by their failure to come up with unusual or creative solutions. Because of this process, the decision-making was limited to whatever the team considered within the realm of reasonableness, i.e., the standard set of placements for handicapped students in the district. With the exception of highly unusual cases, there were few attempts to try new approaches or to assemble services in unique ways. While it is true that realistically there were only a limited number of choices for a student, it is also true that a greater effort could often have been expended to tailor arrangements to the individual student.

The notion of expending the additional effort to seek a slightly better solution is particularly relevant to LRE. As noted earlier, LRE was not a critical part of the decision-making in most meetings. An effective and completed implementation will require an extra effort on the part of individual professionals to ask whether a placement is actually the least restrictive a child can handle. Similarly, the team members need to ask aloud whether there are ways this child could spend additional time with the nonhandicapped--or better yet, assuming that as a goal, they musk ask what can be done to realize it. To the extent that these questions are not being raised and creative alternatives are not being explored, LRE cannot be a vital part of the decision-making.

Summary

Three words could be used to synthesize many of the concepts presented in the chapter with regard to the context in which the principle of least restrictive environment is presently operating: communication, commitment, and flexibility. Communication can be established in many ways. In small districts, it seemed to happen almost automatically. In the larger districts, formal mechanisms were put in place: written documents; standardized procedures; a management hierarchy; and layers of meetings. Where communication broke down, placements suffered. Information on the case or the possible placement was incomplete, there were no follow-ups, and unnecessary delays were encountered.

Commitment to the child and to least restrictive placement is a rather amorphous concept. Although impossible to code on the observation form, it was clearly visible to the observers. Commitment is seen in the extra time it takes to visit a possible placement, to explain things more thoroughly to the parents, to make the telephone calls, and to juggle the roster to get the child in the class. Commitment to least restrictiveness is making an extra effort to keep the student in a regular class or, at least, in a regular school. From a policy standpoint, there is not much that can be done about commitment. It cannot be mandated. Policymakers are in a position, however, to remove the barriers that tend to demoralize the professionals involved in administering and delivering special education services. Many of the constraints discussed in this chapter represent special education barriers. An environment more conducive to commitment will exist when some of these barriers are minimized or eliminated.

Flexibility can be a critical part of appropriately serving the handicapped students. A middle ground needs to be found (and held) between a total absence of procedures, a situation which invites abuse, and a maze of regulations so thick they can obstruct the educational process. With regard to determining an appropriate program of services for an individual child, any restriction on the options open to that child can effectively serve to impede implementation of LRE. Lack of the right handicap, prohibiting certain service options, conflicts between state and Federally supported programs--are all examples of the kinds of conditions which limit flexibility and make a placement less individualized than it might be. Some conditions are justified and necessary, but their impact needs to be acknowledged. The possibilities for LRE conflicting with another priority appear endless. These are policies and procedures at the local, state, and Federal level. Some facilitate LRE, some impede it. Some are not consistent across the three levels. There are also local, state, and Federal policies for programs which are not specifically for the handicapped. Although these present many more potential limits on the flexibility of what can be done for an individual student, it appears that most districts have adopted a philosophy incorporating commitment to the individual student--even in spite of rigid and bureaucratic requirements.

7

SUMMARY AND CONCLUSIONS

The purpose of the study was to provide a state-of-the-art description of the process by which school districts make decisions about the setting in which a handicapped child is to be educated. P.L. 94-142, The Education for all Handicapped Children Act, provides that to the maximum extent appropriate, handicapped children are to be educated with children who are not handicapped. That is, a handicapped child must be placed in the least restrictive environment (LRE) appropriate to his or her needs. The Act and its regulations view the placement decision as the outcome of a multidisciplinary group decision-making process. The report has summarized the findings which describe the policies and procedures employed by States and by school districts, the factors they considered in reaching a decision including the role of LRE in the decision-making, and some of the constraints which were observed to impede placements consistent with the LRE mandate. In addition, determination of what standards are applied by judges and hearing officers in LRE related disputes, were provided.

STATE POLICIES

As expected, across the 50 State Annual Program Plans which were reviewed there was a wide variety of placement information and guidelines. Many States provided very detailed information, although no one State ever addressed all concerns of the study. The provision of such detailed information for selected placement procedures was especially notable for those States with administrative manuals. These documents generally included definitions of handicapping conditions, eligibility criteria, recommended tests for each area of suspected exceptionality, suggestions as to appropriate placement options, and facilities requirements. Thus, for those areas generally addressed by administrative manuals, highly specific information was provided. Each State also tended to address the types of placement alternatives provided in its jurisdiction in a highly detailed manner. Placement options were frequently defined and often broken down into finer discriminations than the 11 reporting options listed in the LRE table of the Annual Program Plan Reporting Form.

The range of information varied greatly among States in the areas of placement meeting names and time intervals allowed between steps in the placement process. Placement meetings were called anything from "planning conferences," "staffings," "child study," "IEP," or "evaluation" committees. Several States indicated "multidisciplinary" meetings, but there was rarely a substantive modifier to indicate the function of the conference. Finally, several States did indicate having a "placement" committee where--at least by the clear inclusion of the term "placement"--the function of the group was known. The highly discrepant nomenclature evidenced with the placement meeting also reflected a general ambiguity surrounding the actual placement decision. It was often difficult to determine when (and by whom) the actual decision was to be made.

In general, the States showed greatest consistency for those aspects of placement specifically addressed by P.L. 94-142 regulations. Thus, nearly all States reported notifying parents of decisions; providing in this notice a rationale (the reasons for the decision) and justification (why other options were rejected); and conducting an annual evaluation of placement. The States also were similar in their strong expression of preference for regular class placement and for the provision of a continuum of services.

In several other areas of placement activity, however, a number of States provided only vague or ambiguous information. Generally, these tended to be areas which were not explicitly addressed by the P.L. 94-142 regulations. For example, although parents were often mentioned as participants at the placement meeting, standard procedures excluding the parent from decision-making were also evident. Thus, "informal" meetings or "interpretive" conferences with the parent to explain the placement decision, ex post facto, were mentioned. Such meetings were not qualified by statements that they were only in the event that the parent could not attend the regular placement meeting. They appeared, from the APP, to be standard operating procedures of the State. State policies in the area of parental consent for placement were also often vague in their requirements.

Similarly, little information concerning the relationship between the IEP and placement was found. It was frequently not possible to discern whether state policies required placement to be conducted before, after, or at the same time as the IEP.

Throughout the review of State policies, a number of notable practices were found. Thus, the reintegration policy of South Dakota; the evaluation safeguards for non-English tests in New Hampshire; the parent/child advocates in California; the documentation of rejected options for later use in Montana; and the rigorous monitoring of placement every 12 weeks in Kansas (including follow-up after exit from special education), are all examples of practical State policies developed to assist with the implementation of the Act. Administrative manuals, also appeared to be helpful ways for the States to assist local school districts through the provision of highly detailed information. No one State or geographic area had a monopoly on notable practices. Taken all together, each State's contribution to placement procedures offered a wealth of strategies for implementation of the Act.

In summary, P.L. 94-142 regulations appeared to be a systematizing force in several areas of placement-related State policies. Many States did not stop with this, however, but went beyond the regulations of P.L. 94-142 in providing guidance to LEAs. Although most States provided little information on LRE, a great deal of other, related information was reported. This may indicate that the States have chosen to address the same aspects of the placement process as those which are addressed by P.L. 94-142. Generally, only those aspects of the Act which were not explicitly addressed by P.L. 94-142 tended to lack clarity and consistency. Although this may be due to the inability of States to require certain procedures (such as parental participation) or by State preference to allow local determination (such as the order in which the IEP and placement would occur), State policies may also simply reflect only those areas explicitly addressed by P.L. 94-142.

LEGAL ANALYSIS

The purpose of the Legal Analysis was to determine what standards are applied by judges and state level hearing officers in deciding disputes related to the least restrictive environment (LRE) placement of handicapped children. These placement disputes usually involve parents and local school systems.

Regarding the judicial review process itself, it can be concluded that courts are assisting in the implementation of the least restrictive environment (LRE) principle by ensuring that all program alternatives required by P.L. 94-142 are available to all handicapped children on an equal basis according to each child's particular needs. For example, in cases where local districts have refused to provide the full range of placements, judicial decisions have generally required such placement options to be made available. In some of these cases, the LRE requirement has been an explicit part of the rationale for the decision.

With regard to administrative hearing officers, the conclusion is less clear. The overwhelming majority of decisions are from appeals by parents rather than local school systems, and in most of these appeals the parents want a "more restrictive placement" (usually in the form of a private school) than that proposed by the local school system. Although the "least restrictive placement" is ordered in the large majority of cases, most of the decisions make no reference to the LRE requirement, and those which do, do so superficially. This may suggest that the LRE element of the decision is either absent or, as we found in the analysis of placement meetings in local districts, that the inclusion of LRE principles is implicit in the decision. For either reason, a more explicit rationale of the LRE principles in such decisions would provide documentation and guidance in other, related, decisions.

LOCAL DISTRICT ANALYSIS

All 15 districts conducted at least one meeting on each child in the sample which focused on the determination of the child's educational placement and/or the development of the Individualized Educational Plan (IEP). Placement committee meetings were sometimes conducted at those different administrative levels within a school system: at the school level, the regional level, and at a central (district) committee. One or more parents almost always attended at least one meeting to discuss their child's placement, although in at least five sites, district personnel held preliminary meetings in the absence of parents to discuss eligibility and placement. There were several possible reasons for these meetings including: the resolution of internal conflicts among school personnel, discussion of sensitive issues which were considered inappropriate to discuss in front of parents and/or discussion about which formal placement recommendation to make to the parents.

Although the child's parents were generally not involved in every meeting, they were at least assured of an opportunity to comment on the placement decision and to participate to the extent they desired. Once the district was in agreement, the recommended placement was presented to the parents; or once the parents had essentially agreed to the placement, the case went through the decision-making process at the district level.

One of the strongest findings to emerge was that the IEP was always developed after the placement decision was made, although the Act states that the placement is to be based on the student's individualized educational program. Not once in all the cases observed was the IEP developed prior to the placement decision. In about half of the cases it

172

was developed at the same meeting where the placement decision had been made although it was still developed after the placement decision itself. In other cases, a placement decision was made, the child was placed and then the new teacher developed the IEP. In still other cases, a placement for the following fall was being decided and there was no intention to develop the IEP until the new school year.

Placement meetings typically were 36 minutes long and included six participants; the school psychologist and the mother were the most frequent attendees.

There was almost never a written agenda which was circulated at the meeting, but usually the chairperson made a brief introductory statement about the nature and purpose of the meeting. There were almost always written forms completed during the course of the meeting. The pre-printed form served as somewhat of an agenda since the chairperson guided discussion by completing required items included on the form.

The discussion at the meetings usually began with a recitation of test scores and other diagnostic information from the school psychologist and then proceeded in round-robin fashion with each attendee giving his/her interpretation of the child's problem, functional level, and needs. The discussions during placement deliberations were usually informal, and the content focused primarily on the child's academic achievement or social/emotional adjustment.

It should be noted that, in general, the issues more frequently discussed at the observed meetings were those considered to be most important to a pragmatically sound placement decision. Examples of issues discussed included: results of diagnostic and achievement testing, the child's current academic level, and social functioning in terms of peer relationships and teacher/student interactions. This type of information related to defining the child's individual needs and helped determine the final educational placement wherein these needs could be met. Unfortunately, there was rarely any effort made to summarize discrete information presented by individuals. The data about the child were often not tied together to give an integrated picture of the child's strengths, weaknesses and educational needs.

The Placement Decision

It was often difficult to identify who determined placement and actually when the decision was made. It seemed that frequently the decision itself was made by one or two district staff members who presented the recommendation to the committee for what amounted to routine approval.

Unless there was obvious disagreement about where a child should be placed, the convening of the placement committee often served only to present the recommendation to parents and/or other professionals who would be involved in the case. In such instances the meeting could not be considered a forum for group decision-making.

In spite of high parent attendance at meetings and consistent efforts by local school staff to involve parents in the actual decision-making process, parents were rarely active participants. While parents were asked to contribute information about the child, decisions about the educational placement were made primarily by the school district staff, and then presented to parents for approval. However, the high rate of parental participation in these meetings assures them the opportunity to comment on and participate in the placement-decision process. This arrangement appeared to be satisfactory to both the school and the parent. Most of the time parents seemed to agree with the suggested placement and were satisfied with the final decision.

Students were rarely involved in meetings; however, when they did attend, they were given ample opportunity to become involved and to participate in the determination of their own educational programs.

In only 9 out of 134 meetings was a range of available placement options presented prior to discussing an individual option. In only one meeting were the options presented along a continuum of restrictiveness. Typically, the placement team gave serious consideration to only one option before making a placement recommendation or decision.

Two or more options were seriously considered in fewer than one-ninth of the cases. When two or more options were considered, the discussion usually centered around disputes over labels rather than the actual restrictiveness of the placement (e.g., TMH vs. EMH) or disagreements over the amount of time to be spent in special education (e.g., Resource Room vs. Self-Contained). Although the placement teams explored few placement options, it should be emphasized that the teams apparently saw no need to investigate any more than that. In the vast majority of cases, there was usually a consensus that an appropriate placement could be made in an existing program within the district.

Although a placement was usually found for a student, lack of a variety of options and openings did affect the decision-making. Because of a lack of resources with which to fully operationalize a complete continuum of placements the deliberations we observed tended to be confined to discussing only the existing and available options. Often team members seemed to be restricting their decision-making to a small "mental menu" of options with known placement openings. In other cases, the fact that a program or class was full was openly discussed at the meeting. In several cases, lack of openings was a determining factor in placement selection.

Although the specific terms "LRE" and "mainstreaming" were not frequently used by placement team participants, there was evidence that both concepts were adhered to in making placement decisions. This was reflected by the fact that only a small percent of the cases in our sample were placed in educational settings which did not allow for interaction with nonhandicapped children.

Many of the elements which comprise the concept of LRE such as individually determined placements based on needs, interaction with nonhandicapped children, and continuum of services were manifest in the final placement decision and were factors considered in arriving at the decision. On the other hand, the concept of stigma, which may sometimes be associated with identifying a child with a label of a particular handicapping condition or with placement in a special education class, was not frequently mentioned. In addition, harmful effects, which could occur in the physical, psychological/emotional, or educational areas for both handicapped and nonhandicapped children, depending on the classroom assignment of the handicapped child, were seldom discussed.

The implicit nature of LRE in the decision is further underscored by the small number of overt references or discussions of opportunities for interaction with the nonhandicapped in the cases observed. Only 30 percent of the meetings actually discussed the provision of such opportunities, while 78 percent of the cases were actually placed in settings which provided for social interaction.

Although a commitment to providing interaction with the nonhandicapped seemed to be an implicit part of many of the placement decisions observed, it entered into the decision at only a broad, generic level. The decisions tended to be limited to scheduling regular class participation for some academic activities, non-academic classes, lunch, etc. Art, music and P.E. were particularly popular choices. Opportunites for interaction with nonhandicapped students in intermural sports, school clubs, recreation and other school electives were not mentioned. While the placement teams made decisions regarding art, music or lunch, there was no discussion of the operational aspects necessary to really ensure social integration for the child. Even in meetings to develop Individualized Educational Plans, the implementation aspects of interaction with nonhandicapped children were not addressed.

In sum, the terms "LRE" and "mainstreaming" were rarely used. LRE in particular seemed to be poorly understood. Even so, some of the key elements defining the concept were employed in determining the placement decision or were manifest in the decision itself, and neither concept was discussed at an operational level.

Constraints

Constraints were defined as those factors which prevented or inhibited local school districts from achieving full implementation of the least restrictive environment mandate. As with the other study data, no claims can be made as to the representativeness of the problems discussed. They are simply some of the difficulties faced by the LEAs in the study. The information was gathered through informal discussions with district staff and through observation of many different team meetings.

"Overworked" was an extremely apropo descriptor of LEA personnel in some of the study districts. The problem of insufficient placement and evaluation personnel had several unfortunate side effects. An air of continual franticness is not the most facilitative environment in which to thoughtfully plan a program for a handicapped student. Districts coped with these pressures by restricting meetings to a time limit, and by routine treatment of cases whenever possible.

Besides being externally constrained, the placement teams were sometimes seen as internally constrained; they were limited by their own failure to come up with unusual or creative solutions. Characteristically, the decision-making was restricted to the "mental menu" discussed earlier, i.e., the standard set of placements used in the district. In addition to the exception of highly unusual cases, there were some attempts to try new approaches or assemble services in a unique way. The major constraint was the limitation on problem-solving in terms of what was available within the district. Few efforts were made to consider services provided by other agencies outside the public schools. An effective and complete implementation of LRE will require an extra effort on the part of individual professionals to ask whether a placement is actually the least restrictive a child can handle. Similarly, the team members need to ask aloud whether there are ways this child could spend additional time with the nonhandicapped — or better yet, assuming that as a goal, what can be done to realize it.

Placement in some districts was constrained because certain placement options on the continuum of services were not available for all classifications of handicapped children. Districts that place children in categorical programs actually need a number of continuums. Such distiсts cannot usually accommodate a mentally retarded student in a resource room placement or a learning disabled student in a self-contained classroom. They need a full continuum for each category of handicap. One district solved this problem by moving toward dual certification for teachers. That is, teachers were receiving training which would certify them to teach more than one category of handicapped student. In this way a resource room with a teacher with dual certification in MR and LD could accommodate both Learning Disabled and Mentally Retarded students in the same Resource Room placement.

The constraint of not having all continuum options available for each handicap can be viewed from two perspectives. On one hand, it is caused by insufficient resources to generate the continuum several times over. On the other hand, it is caused by a district policy which a priori categorizes classrooms in such a way that certain children cannot be admitted. By their very own nature, these classifications can prevent individually determined placements and thus go against the principle of least restrictive environment.

Some of the constraints on LRE implementation originated at the state level. One of these involved eligibility criteria. Another involved the funding formula for special education reimbursement.

While the federal regulations provide definitions of the recognized handicapping conditions, the detailed specification of the eligibility criteria has been left up to the states. Such criteria for special education services varied considerably across the five states in the study, particularly for handicapping conditions such as seriously emotionally disturbed and specific learning disability. The differences in the eligibility criteria were reflected in differing percentages of children identified by the states in these categories of handicapping conditions. At an individual level, these differences could become problematic when children move from a state in which they were eligible for services to a state where they no longer meet the eligibility criteria. From a policy standpoint, the differences mean there are inconsistencies among the states in the way P.L. 94-142 is implemented -- particularly with regard to the mildly handicapped.

Also originating at the state level were the constraints inherent in the reimbursement formula for special education. Various funding formulas can be interpreted as providing incentives and disincentives for different types of placements. A fiscal analysis of the reimbursement formulas used by the five states in the study of local district placement practices led to the conclusion that these states were financially rewarding districts for placing children in more restrictive environments. This held true whether reimbursement was based on excess cost or teacher salary aid. Through their funding formulas, the states had set up incentives that worked against the principle of least restrictive environment.

CONCLUSION

Several areas have emerged from this state-of-the-art discription of placement procedures and LRE implementation. Conclusions presented in each of the following areas are directly related to the study findings.

- Although the placement decision-making process did not often address the elements of LRE explicitly, there was ample evidence that consideration of LRE in general was inherent in almost all of the placement deliberations which were observed. Such consideration was usually so implicit in the decision process that it can be described as representative of an existing philosophy, generally incorporating a commitment to "mainstreaming" of the handicapped child to the greatest extent appropriate. Because the values and commitment to this perspective of LRE appear to be present already, it should make any in-service training efforts focusing on operationalizing the explicit nature of the LRE decision far more effective.
- In our review of administrative hearings which involved disputes of placement decisions, seldom was there presented a clear rationale for the LRE elements of the rulings. As in the placement meetings, any consideration of the LRE principle appeared to be implicit in the rulings. While such an implicit basis for the rulings may be desirable in that it illustrates a deep philosophical commitment to such principles, this practice suggests an area where the quality control or monitoring functions of the State education agency could be more active. More explicit presentations of the rationale for the LRE elements of all placement rulings, could improve the quality of written decisions.

- In a majority of the cases observed there was only one placement option discussed during the deliberations. The rationale for this practice is that the student's needs could be identified, and those needs almost automatically dictated a specific placement. There was usually no effort made to suggest a range of options close to the one being considered or to weigh benefits of alternative placements. The assumption was almost that *a priori* it was appropriate to consider only one option. When the process takes place in this way, the one option suggested automatically becomes the final placement selected. In order to stimulate determination of appropriate LRE placements, it is necessary to consider more than one option per handicapped student. One strategy to accomplish this would be for professionals involved in placement meetings to consider as a matter of routine practice more than one placement alternative for each handicapped student for whom a placement determination is made. By weighing the pros and cons of alternatives a rationale for the final placement decision as the appropriate LRE will become more clear-cut and explicit.

- In a great majority of the meetings observed, parents were in attendance. Although parents did not, in general, contribute extensively to the discussion or have a high level of active involvement in the process, they did in most cases feel satisfied with the final placement decision. Since parent attendance is so widespread, the opportunity exists for parents to contribute and to participate in the process. It now becomes essential to improve the nature and extent of parent participation in the decision-making process. Most school districts reflected an extremely positive attitutde toward parents and their involvement in the handicapped student's educational program. Now is the time schools may need to take steps to provide in-service training to parents. Parents will require in-service or other educational opportunities which will help them become more effective participants in the placement process. Such opportunities could focus on the development of an understanding of the provisions of P.L. 94-142 and the process of participating effectively in a group.

- Although P.L. 94-142 regulations specify that all districts must provide a continuum of services, we found evidence of placement decisions which were based in a large part on the availability of limited categorical options. Due to limited resources, many districts were simply unable to provide a range of options by handicapping category. While a range of continuum placements was always available, many districts were unable to develop a similar continuum of services within each of those categorical placements. This suggests that placement should be determined independently of the categorical label by which a handicapped child is classified. Such a noncategorical approach would broaden the range of options appropriate to consider for each case by ensuring that all available options could apply equally to each case under consideration.

- Despite the emphasis in the P.L. 94-142 regulations related to the issue of ensuring that extracurricular opportunities were available for the handicapped student, the consideration of integration seemed confined to the academic and non-academic subjects. Perhaps school personnel might consider including in the Individualized Educational Program (IEP) a stipulation about opportunities for interaction with nonhandicapped students in extracurricular areas. This strategy would raise this important issue for explicit consideration by those professionals who are involved in development of the IEP and placement determination.
- Although handicapped students are often routinely included in non-academic classes (art, music and physical education) and activities (lunch, recess) with their nonhandicapped peers no provisions are stipulated for facilitating social interaction. Simply placing these students in close physical proximity is not a necessary and sufficient condition for stimulating social integration. To accomplish this it may be necessary to explicitly state, again, perhaps in the IEP, what specific objectives can be developed so that the goals for meaningful social integration can be achieved.

In summary, we would like to note that the field staff was generally impressed by the competence and dedication of the people they observed making placement decisions. Many of the shortcomings with regard to LRE implementation were due to a lack of knowledge, time or resources. In all of the observed meetings, actions consistent with the Act appeared to be guided only by the best intentions or by a belief that the Act in general or LRE in particular was consistent with district or personal philosophy. The stage appears to be set for moving beyond awareness and development of policies and procedures to moving toward full implementation of LRE. An emphasis now needs to be placed on processes and strategies necessary for its realization: training in group decision-making, developing strategies for making explicit consideration of LRE a meaningful part of placement discussions; creating less restrictive placements, implementing strategies for actively involving parents. Moreover, the context in which placement decisions are made could be substantially improved. Administrators at the local, state and federal levels need to etablish complementary practices which are in accordance with--or better yet, facilitate--least restrictive placements. Such operational strategies will enable the LRE principle to be applied explicitly to every placement decision for every handicapped child.